

# TOWN OF SHIRLEY



## ANNUAL TOWN MEETING WARRANT

*including*

**REPORT & RECOMMENDATIONS**

*of the*

**FINANCE COMMITTEE**

**Monday, June 14, 2004**

**Shirley Middle School Auditorium  
1 Hospital Road**

**PLEASE BRING THIS BOOKLET WITH YOU  
TO THE TOWN MEETING**

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May 28, 2004

Dear Voters of Shirley,

The Finance Committee is pleased to provide you with this report in preparation for the Annual Town Meeting on Monday, June 14, 2004. We hope that you will find the information contained in this report useful in your decision making process.

This report includes discussions on:

- The FY2005 Budget process
- The Finance Committee's recommendation on some specific budget items
- The Capital Plan

### **The FY2005 Budget Process**

The Finance Committee is required to recommend an annual operating budget that is balanced within the levy limit imposed by Proposition 2½. Our total recommended expenditures cannot exceed projected revenues, without considering a Proposition 2 ½ override. Throughout our deliberations, and with the help of the various Departments, Committees and Boards, we have attempted to craft a fair and reasonable budget, based on principles that consider the "Critical Missions" of the Town. Our priorities continue, then, to be the maintenance of the Town's support for Education and Public Safety.

For Fiscal Year 2005 (FY05), the recommended budget of \$11.99 million (as presented in **Article 7 of the Warrant**) represents an increase in spending of \$322,675 (2.7%) from the FY04 operating budget. Despite all efforts to maintain constant spending levels vs. FY04 wherever possible, certain expenditure increases are unavoidable. In general, departments are level funded with key exceptions being salaries, service contracts, retirement assessment and insurance premiums.

To put this into perspective, this FY05 budget is \$217,713 **less** than FY03.

In order to support this increase in spending over FY04, balancing the budget will require the use of all available Free Cash (\$302,529) as well as a transfer of \$190,000 from the Stabilization Fund. This represents the use of 36% of the current balance (\$529,970.03) of the Stabilization Fund.

Total revenues for FY05 are projected to be \$12,165,081, with State Aid projected to be essentially flat vs. last year. This represents an increase of \$417,962 (3.6%) over FY04 revenues of \$11,747,119. The revenue increase is primarily the result of a projected increase in local Town revenue and fee receipts and an expected receipt of MCI

mitigation funds. Furthermore, available Free Cash fell by \$171,225 for FY05 vs. that available in FY04 (\$473,754).

In addition to funding the operating budget, revenues are applied to town employee salary increases as well as cash purchases for capital items (e.g. police cruiser, sewer betterments) and other significant one-time expenses that cannot be absorbed into the departmental operating budgets (e.g. truck tires, exhaust handling system).

This year's Finance Committee recommended budget supports the "requested" budgets with four (4) exceptions:

- **Budget Account # 161 Town Clerk**  
The recommended amount is level-funded, consistent with other Town departments. The requested amount includes a salary increase, which is covered under a separate Warrant article (**Article 10**). The Finance Committee does not believe this position should be treated any differently than other Town positions.
- **Budget Account # 330 School Department, Pre-School through High School**  
We are recommending that this line item be level-funded at the FY04 level (including the Medicaid reimbursement), and that any additional requested amount be approved subject to a Proposition 2½ override. Cost increases can be attributed to salary and wage increases (contractual for teachers) and higher operating costs of all School buildings as a result of escalating utility/fuel costs.
- **Budget Account # 332 School Department, SPED Out-of-District Tuition**  
We are recommending that this line item be level funded at the FY04 level, and that the additional requested amount only be approved subject to a Proposition 2½ override. These costs can be attributed to the dramatically increasing mandated costs related to Out-of-District Special Education placements, over which the Town has no control.
- **Budget Account # 336 School Department Transportation, SPED Transportation**  
The recommended amount is level funded at the FY04 appropriation, which already represents a significant increase over prior years in order to offset the discontinuance of State contribution, which first occurred in FY04. The additional requested amount should only be approved subject to a Proposition 2½ override. These increased costs reflect the dramatically increasing mandated costs of Special Education related transportation.

## **School Department Budget, Pre-School through High School**

One of the Town's "Critical Missions" is the continued support of Education. While our recommendations for many of the other departments' budgets reflect flat to reduced spending, the Finance Committee's recommended budget for the Local School Appropriation reflects level funding. The total Local Appropriation of \$1,504,388 is \$70,000 (4.9%) greater than the FY04 ATM appropriation.

This year the Massachusetts House and Senate budgets include \$3,950,169 for Chapter 70 Aid for the Town of Shirley, level-funded from last year. The Finance Committee recommends that you approve this appropriation for the Chapter 70 figure. In addition, we recommend that you approve **Article 8** of the Warrant, which will allow any additional Chapter 70 money that may be received to go directly to the School Department budget.

Unfortunately, with the 4.9% increase in funding from the Town and the level-funded State Aid, the School is left with a gap between available funding and operating costs required to maintain level service. The School has taken aggressive steps to achieve the lowest possible operating budget, including staffing cuts, while attempting to maintain constant standards of education and service. With the significant increases in non-controllable costs that will be experienced in FY05, the School is still left facing a funding shortfall of approximately \$95,000.

If this additional funding is not provided, it will be necessary to make **further** cuts to staff that will definitely lead to a reduction in programs and a degradation in service levels for those programs that are retained. This includes, but is not limited to increased class sizes, and the elimination of important programs. Additionally, increased teacher workload will result in less preparation and planning time, and subsequently, a potential reduction in the quality of the classroom programs.

Because the Finance Committee has stewardship responsibilities for the present and future residents of the Town, we feel it is not in the best interest of the Shirley Townspeople to allow a decline in the quality of our educational programs. Given these very compelling reasons, the Finance Committee believes it is reasonable and justifiable for the School Department to seek the necessary incremental funding to keep existing programs and staffing levels intact, in the form of a Proposition 2 ½ override.

## **School Department Budget, Out-of-District Special Education & Transportation**

You will notice during the budget review, that the School Department budget has been restructured to make it clear that the increases in uncontrollable aspects of the budget for FY05 are the major components of the projected School Department deficit. It is hoped that this clearer representation of the budget will provide a better understanding of the cause of the crisis.

Special Education Out-of-District tuition and transportation costs have increased by \$326,800 or **32%** over FY04.

It should also be clearly understood that these mandated costs must be funded, in accordance with Massachusetts State law. If an override is not approved to cover these increased costs, then a solution will have to be found to cover these costs within the overall town budget structure.

## **Salaries**

Salaries for Town employees need to be reviewed on an ongoing basis. There is question as to the effectiveness and accuracy of the Wage & Salary Classification Plan, as well as the Wage Scale currently in place. Concern has also been raised as to whether positions included in the Plan are properly classified. Additionally, during the last 12 months, the Consumer Price Index (CPI) for the local region, as reported by the United States Department of Labor, grew by 2.9%. Based on these factors, and discussions with the Board of Selectmen, the Finance Committee recommends that the salaries for all non-union, non-School Town employees receive an across-the-board increase of 5%. The \$60,000 cost of this program is not included in the budget article (**Article 7**), but will be appropriated in **Article 10** of the Warrant.

## **Capital Plan**

In FY03, the Town approved amending the Capital Plan By-law to reduce our *required* annual expenditure from “at least 3.5%” of the annual Town budget to “at least 2%” of the annual Town budget. This change does not reflect a reduction in the Town’s capital requirements, but is driven by the budget constraints that the Town is facing during these times of economic challenge. The Capital Expenditure plan recommended by the Finance Committee and presented in **Articles 4, 5 and 6** of the Warrant returns to the By-law level in FY06.

In FY05, the Finance Committee is recommending a capital plan with a total expenditure of \$248,000, which represents 2.1% of the operating budget.

Despite this proposed temporary reduction in the level of annual Capital spending, this year’s capital plan does remain committed to the 10-year effort to repair and upgrade the physical plant of the existing school buildings (the Lura A White and Center Schools). As such, we are recommending that instead of continuing the series of independent projects planned in support of this goal, we seek a qualified expert opinion on how we might perform an integrated or coordinated renovation of the facilities as a single project. Thus, this year’s proposed plan includes a line item to perform an engineering study that would provide this information.

The intent behind this approach is to utilize the resulting plan to seek out alternate forms of funding and/or reimbursement that might not be available for individual projects, but may be applicable in the case of a single major renovation.

## **Conclusion**

While the Finance Committee hopes that you will seriously consider our recommendations, it is important that you vote your priorities with a reasoned understanding of the revenue constraints that face the Town vs. the service needs of the Townspeople. We look forward to seeing you at Town Meeting.

Frank Kolarik, Chairman  
Michael Smith, Vice Chairman  
Cheryl Hayden  
Rob Mitchell  
David Swain  
Michael Swanton  
Bobbi Jo Colburn, Town Accountant

# Free Cash

Free Cash is an annual accounting of the balance remaining after reconciling the Town's actual revenues and actual expenditures for the prior year. Free Cash can be either a positive or negative amount, depending on whether or not the actual revenues received by the Town exceeded the actual expenditures made by the Town during the prior year.

Once Free Cash has been "certified" by the State's Bureau of Accounts, the money can be appropriated by Town Meeting for any municipal purpose.

By its very nature, Free Cash is not predictable. Over the last thirteen years, the Town has seen wide swings in the amount of Free Cash available.

<u>Fiscal Year</u>	<u>Certified Free Cash</u>
FY1992	\$ 25,031.00
FY1993	\$ 201,510.00
FY1994	\$ 42,807.00
FY1995	\$ 48,163.00
FY1996	\$ 75,400.00
FY1997	\$ 488,652.00
FY1998	\$ 222,373.00
FY1999	\$ 431,340.00
FY2000	\$ 556,673.00
FY2001	\$ 629,633.00
FY2002	\$ 761,734.00
FY2003	\$ 473,754.00
FY2004	\$ 302,529.00

This serves to demonstrate the unpredictable nature of Free Cash. This is why the Finance Committee does not, generally, recommend dependence upon significant amounts of Free Cash from the prior year to fund ongoing operational costs in the annual budget. We believe that a prudent fiscal policy is to use these funds for non-reoccurring expenses, such as capital items. Free cash, when available, is also a way of maintaining the Stabilization Fund at adequate levels with no direct impact on the current year's budget.

This year's budget challenge will cause us to depart from this basic fiscal principal. Reluctantly, the Finance Committee will recommend using all available Free Cash to balance the FY05 Operating Budget.



Over the next few years we must consider the following:

During periods of economic growth, revenues tend to be *better* than expected and *at the same time* (since budgets are well funded) expenditures tend to be *less* than budgeted. This makes for increased Free Cash.

The opposite is true during economic slow-downs. Revenues are not likely to exceed projections, and, because budgets are tight, expenses generally equal or exceed budget. This results in a compression, or *reduction* in available Free Cash. [During the last economic slowdown, the years of 1992 – 1996, Free Cash averaged only \$78,000 per year]

For the last several years, the Finance Committee has been advising at Town Meeting that, at some point, the Town would see a fall-off in Free Cash. Given the current state of Municipal and State finances, we see continued evidence that the previous trend toward increasing amounts of Free Cash has ended. While we don't know the level of Free Cash that will be available in the future, we expect that next year may again see a decline in Free Cash relative to the amounts that have been available over the last few years.

# Stabilization Fund

The Town of Shirley established the Stabilization Fund to:

- Provide a source of funding for significant, extraordinary and unforeseen expenses.  
Without a Stabilization Fund the Town would risk having to deal with a large single-year increase in the tax rate to generate enough revenue to cover the unanticipated expense.
- Provide a mechanism for “stabilizing” the annual budget in the event that an economic downturn should severely depress property values resulting in a significant decrease in tax revenue.  
Again, without a Stabilization Fund the Town would risk having to deal with a large single-year increase in the tax rate to generate enough revenue to “make up” the loss of tax revenue due to the erosion of the tax base. Alternatively, the Town could choose to make drastic reductions in Town services in order to avoid incurring expenses not covered by the available revenues.

In order for the Stabilization Fund to be able to provide a reasonable “safety net”, it is critical that it be adequately funded. The Finance Committee believes that a prudent fiscal policy targets a Stabilization Fund of 5% - 10% of the annual operating budget.

The Town will reap two added financial benefits from the Stabilization Fund:

- Better interest rates on municipal borrowing  
The on-going commitment by the Town to have and maintain an adequate Stabilization Fund is one of the criteria used by the investment community to determine the Town’s Bond Rating. A Stabilization Fund that does not meet the minimum level of 5% of operating budget, would have a *negative* effect on the Town’s Bond Rating. A lower Bond Rating will result in the Town paying a higher rate of interest on any Municipal borrowing.
- Interest Income on Fund balance  
The Stabilization Funds are held in interest bearing accounts, or invested, and return interest and/or dividend income to the Town.

Finally, any disbursement from the Stabilization Fund requires a 2/3 vote of Town Meeting, rather than a simple majority. This added protection makes it very difficult for any special interest group to come “en masse” to Town Meeting and vote to expend the Stabilization Fund. The decision to expend the Stabilization Fund must be a non-partisan decision.

As can be seen in the following table, in order to balance the FY05 operating budget, it will be necessary to utilize a significant portion of the available stabilization fund and dip

below the target balance of 5% of operating budget. While this is undesirable, the Finance Committee has considered the alternatives, which are further increases in taxation or significant declines in critical Town services due to further budget cuts. Thus, the Finance Committee has concluded that the benefits of utilizing this funding source outweigh any disadvantages and we recommend the usage of \$190,00 from the Stabilization Fund to support the FY05 operating budget so that we may maintain current levels of all Town services.

## **Stabilization Fund**

### **Funding Proposal for FY05**

<b>Current Stabilization Fund Balance</b>	<b>\$529,970.03</b>
<b>FY05 Projected Operating Budget</b>	<b>\$11,988,488.08</b>
<b>Percent of FY05 Operating Budget</b>	<b>4.4%</b>
<b>2.5%</b>	<b>\$299,712.20</b>
<b>5%</b>	<b>\$599,424.40</b>
<b>7.5%</b>	<b>\$899,136.61</b>
<b>Proposed FY05 Consumption per Finance Committee recommendation</b>	<b>\$190,000.00</b>
<b>Percentage Decrease</b>	<b>36%</b>
<b>Proposed New Stabilization Fund Balance</b>	<b>\$ 339,970.03</b>
<b>Percent of Operating Budget</b>	<b>2.8%</b>

## Proposition 2 ½

Proposition 2½ was adopted by the citizens of the Commonwealth of Massachusetts as an initiative petition in 1980.

Some of its principal provisions provide for the following:

- The limiting of property tax levy in a city or town to no more than 2½% of the total assessed fair cash value of all taxable real and personal property (Levy Ceiling).
- The limiting of the Annual Levy (the amount of money to be raised by property value taxation) to no more than a 2½% increase over the prior year's Annual Levy (with certain provisions for "New Growth").

Proposition 2½ contains certain provisions by which the voters can approve exceptions to the general limitations.

The Annual Levy can be increased by the adoption of an override. The voters of the city or town may vote to raise additional revenues by a specific amount. One or more override questions may be placed on the ballot in a general or special election. The increase approved by a majority of voters is permanent, and becomes part of the base for calculating future years' Annual Levy Limits. However, an override of the Proposition 2½ Annual Levy Limit does *not* allow the levy to exceed the Levy Ceiling. An override can be reversed by passage of an Underride.

The levy can also be increased by the adoption of a Capital Expenditure Exclusion (single year) or Debt Exclusion (length of the borrowing). The exclusion option is available if a community wishes to raise additional taxes to fund capital projects, which are defined as goods and/or services for which a town is authorized to borrow under M.G.L. Ch. 44 Section 7 & 8. This would include most public building and public works projects, as well as land and certain equipment purchases. These exclusions do *not* become part of the basis for calculating future years' Annual Levy Limits.

Once the amount to be raised is determined, a tax rate is calculated by dividing the amount to be raised by the total valuation of the Town.

Whether the tax rate of the Town will increase or decrease from the prior year depends on the levy decided upon by the Town and whether property values appreciate, depreciate or remain constant.

No tax rate shall be fixed in any city or town until the Massachusetts Commissioner of Revenue has approved that rate as "in compliance" with Proposition 2½.

# Glossary of Municipal Finance Terms

**Abatement:** A complete or partial cancellation of a levy imposed by a governmental unit; applicable to both tax levies and special assessments.

**Appropriation:** An authorization granted by Town Meeting to make expenditures and to incur obligations for specific purposes. An appropriation is limited in amount and the time during which it may be expended. Only a vote of Town Meeting or the School Committee can authorize money appropriated for one purpose to be used for another. Any amount which is appropriated may be encumbered. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts back to the General Fund.

**Assessed Value:** The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the Town's tax levy among individual property owners in an equitable manner. It is done in accordance with the legal requirement that property be assessed at "full and fair cash value", and periodically certified by the Commonwealth of Massachusetts Commissioner of Revenue.

**Budget:** A financial operating plan that includes an estimate of proposed expenditures for a given time period, and the proposed means of financing them. A budget may be preliminary (the financial plan presented to Town Meeting) or final (the financial plan approved by Town meeting).

**Capital Expenditure Exclusion:** The Town votes to raise property taxes, for a single year only, in excess of the levy limit to fund a certain capital project.

**Capital Plan:** A plan of proposed capital outlays.

**Cherry Sheet:** The annual statement received from the Massachusetts Department of Revenue detailing the estimated receipts for the next fiscal year from the various state aid accounts, and the estimated state and county government charges payable by the assessors in setting the tax rate. The actual receipts and charges may vary from the estimates. (The cherry sheet is named for the cherry colored paper on which it was originally printed.)

**Debt Exclusion:** Exclusions are temporary property tax increases. Exclusions do not become part of the tax base and therefore do not result in permanent increases in the amount of property taxes a community can levy. The Town votes to approve a temporary increase in property taxes, in excess of the levy limit, to fund payment of special debt service costs. The additional amount of the debt exclusion vote is applied to the levy limit for each year of the life of the obligation.

**Debt Service:** Payment of interest and principal related to debt.

**Encumbrance:** Obligations such as purchase orders, contracts, or salary commitments which are chargeable to an appropriation, and for which a part of the appropriation is reserved.

**Expenditure:** The spending of money by the Town for the programs and/or projects within the approved budget.

**Fiscal Year:** A 12-month period, commencing July 1 and ending June 30, to which the annual budget applies. At the end of each fiscal year the Town determines its financial position and the results of its operation. The fiscal year is determined by the calendar year in which it ends; FY05 is the fiscal year that ends on June 30, 2005.

**Free Cash:** Also referred to as “undesignated fund balances”. Certified after the *close* of each fiscal year by the Commonwealth of Massachusetts, this is the portion of the Fund Balance available for appropriation. It is not cash, but rather, it is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes. As such, it must be considered a “non re-occurring” source of funds. The Town cannot plan for or budget for “Free Cash”, since it cannot be predicted. Neither the availability of, nor the amount of “Free Cash” in any given year or years, can be assumed to be indicative of the availability or amount of “Free Cash” that may be certified in any subsequent year.

**General Fund:** The fund into which the general (non-earmarked) revenues of the Town are deposited, and from which money is appropriated to pay expenses.

**General Obligation Bonds:** Bonds issued by the Town which are backed by the full faith and credit of its taxing authority.

**Local Receipts:** Taxes and fees collected by the Town.

**Net School Spending:** The minimum total direct and allocated expenditures that the Town must spend on education, as determined by the Commonwealth of Massachusetts Department of Education.

**Overlay:** The amount raised from the property Tax Levy in excess of appropriations and other charges. It cannot exceed 5 percent of the levy, and is used to cover abatements and exemptions granted locally and on appeal.

**Overlay Surplus:** The unused portion of the previous year’s overlay. At the end of each fiscal year, this amount is computed from information provided by the Board of Assessors, and becomes part of “Free Cash”.

**Override:** A vote to increase the amount of the property tax levy by more than the automatic annual 2½ percent plus new growth.

**Reserve Fund:** A fund appropriated each year that may be used by the Town for “extraordinary or unforeseen expenditures”. The Reserve Fund is, by statute, administered by the Finance Committee.

**Revolving Fund:** Those funds which may be used without appropriation and which are established for special uses. Fees (as for recreation) may be paid into a revolving fund. Revolving funds are established by state law or Town by-law.

**Stabilization Fund:** A special reserve fund that may accumulate and carry forward balances from one fiscal year to another. The fund is established to provide a source of funding for significant extraordinary, unforeseen expenses and/or to provide a mechanism for “stabilizing” the annual budget in the event that an economic down-turn depresses property values. Requires a 2/3 vote of Town Meeting to expend funds.

**Tax Levy:** The total dollars assessed in property taxes by the Town each fiscal year. The amount is computed by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars of assessed valuation”, for example:

*House value:* \$200,000

*Tax Rate:* \$13.57 (per thousand)

*Levy:* \$2,714 (\$13.57 multiplied by \$200,000 and divided by \$1,000)

Proposition 2½ restricts the amount of property taxes that the town can levy to 2½% of the total assessed value of its taxable property (Levy Ceiling). It also constrains the annual increase in the Annual Levy Limit to 2½% of the prior years Annual Levy Limit plus provisions for “New Growth”, plus Overrides, plus Capital Expenditure Exclusions, plus Debt Exclusions.

**Warrant:** A list of items to be voted at Town Meeting.

## Terms Associated with Proposition 2 ½

**Annual Levy Limit (Secondary Levy Limit):** Prior levy limit plus 2 ½ percent plus new growth revenue.

**Excess Levy Capacity:** The difference between the Town's maximum annual tax levy limit, as established by Proposition 2 ½, and its actual tax levy for the current fiscal year. It is additional tax levy that the Town could raise without asking voters for an Override, a Capital Expenditure Exclusion, or Debt Exclusion.

**Levy Ceiling (Primary Levy Limit):** 2 ½ percent of the certified full or fair cash value of the taxable property.

**New Growth Revenue:** The amount of property tax revenue that the Town can add to its allowable tax levy as a result of new construction, alterations, subdivision, or change of use which increases the value of a parcel by more than 50 percent or at least \$100,000. It is *not* the result of revaluation or normal market-based appreciation. The purpose on "New Growth" is to recognize that new development will bring additional municipal costs (schools, roads, public safety).



# Guide to Procedure at Town Meeting

In New England, the basic unit of local government is the town. Except in instances when towns have grown into cities, or have become so large that they have adopted the representative form of town government, town meetings are open assemblies offering registered voters who exercise the traditional powers of the legislative branch of government the power to make bylaws, and the power to control the purse.

Procedure at Town Meeting is governed by the general rules of parliamentary procedure, except as modified by law. In the town of Shirley, procedure follows that specified in the book *Town Meeting Time, A Handbook of Parliamentary Law*, in the Shirley Bylaws, and in Massachusetts State Law.

It is hoped that this checklist will provide a beginning guide to conduct at our meetings.

## TO PARTICIPATE IN THE MEETING AND VOTE:

1. Be checked off on the list of registered voters.
2. Sit in the voting section of the hall.

## TO SPEAK AT THE MEETING:

1. Be recognized by the Moderator.
2. Approach the microphone; state name and address.
3. Comment on the article under discussion.

Note: Per Shirley Town Bylaws, no person may speak more than three times upon any question, unless the Moderator decides it is necessary.

Note: Persons employed as attorneys by parties interested in warrant articles shall disclose such employment before speaking on them.

## TO MAKE A MOTION:

1. Be recognized.
2. State name and address.
3. State the motion verbally; then present it in writing to the Moderator.

Note: Motions must conform to the article under discussion and must, as a general rule, be seconded before they are opened for debate and vote. Exceptions are parliamentary motions, such as motions to withdraw one's own motion from floor, and points or order. These do not require a second, and do not have to be presented in writing.

#### TO SECOND A MOTION:

1. Call out "I second the motion."

#### TO AMEND A MOTION:

1. Be recognized.
2. State name and address.
3. Make the motion to amend the main motion.
4. Present it in writing to the Moderator.

Note: Motions to amend must be seconded. This motion takes precedence over the main motion. A majority vote is necessary to amend the main motion. Amended motion is then voted up or down. Only two amendments are allowed per main motion. No more than two amendments per main motion may be active at a given time. After one of these amendments is acted upon, another amendment may be proposed.

#### TO TABLE, POSTPONE TO A CERTAIN TIME, OR REFER FOR FURTHER STUDY:

1. Be recognized.
2. State name and address.
3. State the motion.

Note: Subsidiary motions like these take precedence. They must be seconded. Some are decided without debate (ex: motion to table).

#### TO STOP DEBATE:

1. Be recognized.
2. State name and address.
3. State "I move the previous question." or "I call the question."

Note: This motion must be seconded. There is no debate. It requires a 2/3 majority to pass.

#### TO TAKE AN ARTICLE OUT OF ORDER:

1. Be recognized.
2. State name and address.
3. Make motion.

Note: Requires 2/3 vote of the meeting.

#### TO RECONSIDER:

1. Be a voter whose vote prevailed on the question when it was voted previously.

2. Be recognized.
3. State name and address.
4. State "I voted for (against) the article that passed (failed)."
5. Make the motion to reconsider.

Note: Motion to reconsider is allowed after all articles in the warrant have been duly considered and acted upon.

#### TO QUESTION A VOTE:

1. Stand, be recognized, question with at least six other voters.

#### TO QUESTION DECORUM:

1. Rise and state "Point of Order."
2. The Moderator rules on the point.

#### TO QUESTION MEETING PROCEDURE:

1. Rise and state "Point of Order".
2. When acknowledged by the Moderator, state the point.

Note: This motion is used to (1) question whether the speaker is entitled to the floor, or (2) question whether the speaker is saying or proposing that which is frivolous, irrelevant, illegal, or contrary to proper procedure, or (3) question whether a pending action is frivolous, irrelevant, illegal, or contrary to proper procedure. A point of order motion may interrupt the speaker.

# Town of Shirley Massachusetts



# WARRANT

*for the*

# ANNUAL TOWN MEETING

**Monday  
June 14, 2004  
7:15 PM  
Shirley Middle School  
Auditorium  
1 Hospital Road**

**Town of Shirley  
Warrant  
Annual Town Meeting  
June 14, 2004**

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I.	Tax Lien Program for Sewer Charges-MGL Chapter 83, Section 16A through 16F	69

**NOTICE**

***If the business of this Warrant for the Annual Town Meeting is not concluded on June 14<sup>th</sup>, it is proposed to***

*adjourn as follows, provided that the Meeting so votes:  
to Tuesday, June 15, 2004 at 7:15 p.m.;  
then to Monday, June 21, 2004 at 7:15 p.m.; then to Tuesday, June 22, 2004 at 7:15 p.m.*

**Town of Shirley  
Annual Town Meeting  
June 14, 2004  
Warrant**

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, ss.

To any of the Constables of the Town of Shirley in said County,  
Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Shirley Middle School at 1 Hospital Road in Shirley Village on

**Monday, the Fourteenth Day of June, 2004, at 7:15 p.m.,**

then and there to act on the following Articles:

**Article 1. Accept Annual Town Report.**

To see if the Town will accept the Reports of the Selectmen and other Town Officers for the Fiscal Year July 1, 2002 through June 30, 2003, as published and promulgated, a copy having been filed in the Office of the Town Clerk.

Explanation:

M.G.L. Chapter 40, §49 requires the Selectmen to publish an Annual Report. It must include reports of the Selectmen, the School Committee, the Accountant, and the Treasurer, while participation by other Boards, Commissions, Committees, Officials, and Departments is voluntary. This Article provides for formal acceptance of the compiled Report, copies having been available in advance of Town Meeting.

***Recommendation: The Finance Committee recommends favorable action under this Article.***

**Article 2. Pay Prior Year's Bills**

To see if the Town will appropriate the following sums of money, to be expended by the Departments indicated, in order to pay bills of a prior Fiscal Year for the goods or services described:

<u>Department</u>	<u>Vendor</u>	<u>Goods/Services</u>	<u>Amount</u>
Public Buildings	MassDevelopment	Utilities – Sewer Costs	\$ 105.53
Public Buildings	MassDevelopment	Utilities – Electricity	\$ 124.51

Such appropriation to be provided by funds received from the Commonwealth associated with the annual MCI mitigation reimbursement.

Explanation:

In order for the Town to close its books on a Fiscal Year and submit financial reports to the Commonwealth on a timely basis, Department must submit all charges against their budgets to the Town Accountant by July 15<sup>th</sup>. The Fiscal Year ends June 30, 2004. However, on a few occasions, there are invoices that are received well past the July 15<sup>th</sup> deadline. These situations are usually associated with reoccurring monthly or quarterly bills. The two prior year bill contained in this article are just that. Accordingly, MGL Chapter 44, §64 requires a super-majority of voters to approve the payments of prior year bills, 4/5<sup>ths</sup> at an Annual Town Meeting and 9/10<sup>ths</sup> at a Special Town Meeting.

***Recommendation:***      ***The Finance Committee recommends favorable action under this Article.***

### **Article 3.      Approve Five-year Capital Improvement Program**

To see if the Town will approve the Capital Improvement Program for the coming Fiscal Year and the ensuing four years as set forth hereunder.

**Explanation:**

This Article summarizes and organizes the capital costs (over \$10,000) facing the Town. The Finance Committee compiles the Capital Improvement Program with the guidance and assistance of the Treasurer. Additionally, in accordance with Town By-Law, this capital spending and the associated Debt Service must maintain a percentage of the Town's Total Operating Budget.

***Recommendation:***      ***The Finance Committee recommends favorable action under this Article.***



# Town of Shirley

## Capital Plan - Procurement Schedule

Department	Item	FY04	FY05	FY06	FY07	FY08	FY09
Police	Police Crusier		33,838	33,000	34,400	35,800	37,300
	Unmarked Car						
	Video Cameras (4)						
	Communications Panel						
	Police Radio System		30,000				
Fire	Pumper			329,000			
	Engine Re-Furb					77,000	
	Command Vehicle						40,000
	Fire Alarm Panel						
	Protective Gear		30,000				
Ambulance	Class 3 Ambulance		122,000				
Public Works	Pick-up Truck			36,050	43,500		
	Drainage Repair						
	Salt Shed Roof						
	Playing Field Restoration						
	Snow Plows						
	Lawn Tractors		11,200	11,500	11,900	12,200	12,600
	MT Tractor					54,600	
	Small Dump Truck						
	Dump Truck (35,000 #)		99,000	102,000			
	Back Hoe Tractor						
	Grader Overhaul		15,000				
	Wood Chipper		30,000				
	Front End Loader				127,300		
School - LAW	Handicap Access						
	Electrical Upgrade						
	Asbestos Removal						
	Oil Tank Removal						
	LAW Roof					120,000	
	LAW Chimney				42,800		
	LAW Sidewalks						
	LAW Gym Floor						
	HVAC Upgrade -Boiler						
	HVAC Upgrade -HW Conversion						
	HVAC Air Escape Control						
	Engineering for HVAC Upgrade		21,400	251,450	151,900	214,000	214,000
	HVAC Upgrade -Ventilators						
	Fire Alarm - LAW/Ctr						
	LAW Renovation Study		16,817				
	Bathroom / Kitchen Tiling						
	Lighting - LAW/Ctr					227,800	
	Security / Intercom - LAW/Ctr						80,500
	LAW Kitchen Renovation			10,000	178,700		
	Classroom Renovations			10,000	10,000	10,000	10,000
	Window Replacement						
School - Ctr	Electrical Upgrade						
	HVAC						
Town Buildings/ Facilities	Center Town Hall Re-Roof						
	Center Town Hall Interior Paint			25,000			
	Center Town Hall Exterior Paint						
	War Memorial Roof						
	War Memorial Bathroom						
	Paving						
	Benjamin Hill Pool Repair	150,000					
	MCI Recreational Fields	50,000					
	Middle/LAWRecreational Fields		50,000				
	Sewer Hook-ups	20,000	15,000				
	Sewer Betterments		51,750	51,750	51,750	51,750	51,750
	Police Station HVAC		10,500				
	Town Office Building-Tech/Phone		10,000			25,000	
	Roof - Fire Station		17,282				
Computer Tech.	Police						
	Financial Offices (Selectmen)						
	Town-wide Technology		61,500				
	DPW Stormwater Mapping		14,000				
	<b>Annual Total</b>	<b>220,000</b>	<b>639,287</b>	<b>859,750</b>	<b>652,250</b>	<b>828,150</b>	<b>446,150</b>

#### **Article 4. Appropriate for Capital Improvements for FY05 by a Transfer from Available Funds**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such appropriation to be provided by funds received from the Commonwealth associated with the annual "MCI-Mitigation" reimbursement funds:

##### **A. Police Department – Patrol Car**

Amount:	\$33,838
Funds to be expended by:	Police Department
Purpose:	To purchase a new Police Patrol Car

##### **B. Board of Selectmen – Sewer Betterments**

Amount:	\$51,750
Funds to be expended by:	Board of Selectmen
Purpose:	For costs associated with the Town's annual payment of Sewer Betterments.

##### Explanation:

This Article proposes that the Town pay cash from available funds in order to undertake certain items in the Capital Improvement Program during the coming Fiscal Year. The items listed in Article 4 generally do not meet the borrowing criteria, based on its useful life or type of expense.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

#### **Article 5. Appropriate for Capital Improvement Program for FY05 by Borrowing.**

*(2/3rds vote – borrowing)*

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described;

And, to meet such appropriations, authorize the Treasurer, with the approval of the Selectmen, to borrow not exceeding said sums, and to issue bonds or notes of the Town therefor, in accordance with the referenced provisions of the Massachusetts General Laws as amended, or otherwise;

##### **A. Police Department - Radio System**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 14, or otherwise.

Amount:	\$30,000
Funds to be expended by:	Police Department
Purpose:	Costs associated with the repair, replacement, or enhancements to the Police Department radio system and antennas to improve radio reception in North Shirley and other areas of the Town.

**B. Fire Department - Protective Gear**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount:	\$30,000
Funds to be expended by:	Fire Department
Purpose:	Replacement of Protective Gear for the Fire Department

**C. Public Works –Lawn Tractor**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount:	\$11,200
Funds to be expended by:	Department of Public Works
Purpose:	For the purchase of a new lawn tractor for the Department of Public Works.

**D. Public Works –Dump Truck**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount:	\$99,000
Funds to be expended by:	Department of Public Works
Purpose:	For the purchase of a Dump Truck for the Department of Public Works.

**E. Public Works – Refurbishing of the Street Grader**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9A, or otherwise.

Amount:	\$15,000
Funds to be expended by:	Department of Public Works
Purpose:	For the purpose of refurbishing and repairing of the Street Grader for the Department of Public Works.

**F. Public Works – Wood Chipper**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9, or otherwise.

Amount:	\$30,000
Funds to be expended by:	Department of Public Works
Purpose:	For the purchase of a wood chipper for the Department of Public Works.

**G. School Department – Upgrade of the Central HVAC System**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount:	\$21,400
Funds to be expended by:	School Department
Purpose:	For the purpose of upgrading the Central HVAC System at the Lura A. White School

**H. School Department – Renovations Study**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 22, or otherwise.

Amount:	\$16,817
Funds to be expended by:	School Department
Purpose:	For costs associated with the conducting of a study regarding renovations to the Lura A. White School.

**J. Board of Selectmen - Improvements to Recreational Fields**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 25, or otherwise.

Amount:	\$50,000
Funds to be expended by:	Board of Selectmen
Purpose:	For engineering services, construction costs, and other costs associated with construction, renovations, improvements, and/or repairs to Town owned recreational fields.

**K. Police Department – Upgrade of the Central HVAC System**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount:	\$10,500
Funds to be expended by:	Police Department
Purpose:	For the purpose of improvements and/or upgrades to the Central HVAC System and technology closet of the Police Station.

**L. Board of Selectmen – Construction and Improvements to the Technology Room**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount:	\$10,000
Funds to be expended by:	Board of Selectmen
Purpose:	For the purpose of constructing and/or making improvements to the technology room in the basement of the Town Offices Building.

**M. Fire Department – Roof Repairs**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount:	\$17,282
Funds to be expended by:	Fire Department
Purpose:	For repairs to the roof at the Fire Station.

**N. Board of Selectmen – Technology Upgrade**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clauses 28 & 29, or otherwise.

Amount:	\$61,500
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Funds to be expended by: Board of Selectmen  
Purpose: For costs associated with improvements and/or upgrades to the Town's technology system within Municipal Government, Public Safety, Town Library, and School Department facilities.

**O. Department of Public Works – Stormwater Mapping**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 22, or otherwise.

Amount: \$14,000  
Funds to be expended by: Department of Public Works  
Purpose: For costs associated with the mapping and/or other consultant costs associated with the Town's Stormwater drainage as required by Massachusetts General Laws.

**P. Fire Department – Replace Fire Department Truck Tires**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 9A, or otherwise.

Amount: \$8,000  
Funds to be expended by: Fire Department  
Purpose: For costs associated with replacing the tires on the Fire Department Trucks.

**Q. Fire Department – Building Exhaust System**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$7,000  
Funds to be expended by: Fire Department  
Purpose: For the Town's cost associated with the purchase and installation of a Building Exhaust System at the Fire Station.

**R. Department of Public Works – Roof Repair**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3A, or otherwise.

Amount: \$8,000  
Funds to be expended by: Department of Public Works  
Purpose: For costs associated with roof repairs at the Department of Public Works Offices

**S. Wastewater Hook-up**

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 1, or otherwise.

Amount: \$15,000  
Funds to be expended by: Board of Selectmen  
Purpose: To provide for additional funds to defray costs of Wastewater System Hook-up for Town owned Buildings

Explanation:

This Article proposes that the Town borrow in order to undertake certain items in the Capital Improvement Program during the upcoming Fiscal Year. The items designated to be financed were selected based on the present need, the dollar amounts, and its long useful life.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 6.      Appropriate for One-Time Projects & Purchases (under \$10,000) by a Transfer from Available Funds**

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; such appropriation to be provided by funds received from the Commonwealth associated with the annual "MCI-Mitigation" reimbursement funds:

**A.      Fire Department – Replace Fire Department Truck Tires**

Amount:	\$8,000
Funds to be expended by:	Fire Department
Purpose:	To replace tires on the Fire Department Trucks

**B.      Fire Department – Building Exhaust System**

Amount:	\$7,000
Funds to be expended by:	Fire Department
Purpose:	To supplement the Town's costs associated with the new building exhaust system installed at the Fire Station.

**C.      Department of Public Works – Roof Repair**

Amount:	\$8,000
Funds to be expended by:	Department of Public Works
Purpose:	For costs associated with repairs to the roof at the Department of Public Works Offices.

Explanation:

This Article proposes that the Town pay cash from available funds in order to undertake certain items not included in the Capital Improvement Program during the coming Fiscal Year. The item listed generally does not meet the borrowing criteria based on its useful life, amount, or type of expense.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 7.      Adopt General Operating Budget for FY '05.**

*[2/3rds vote to the extent a transfer is made from the Stabilization Fund.]*

To see if the Town will appropriate a sum of money as and for the General Operating Budget of the Town for the period beginning July 1, 2004 through June 30, 2005, in order to defray the operations and other necessary and proper charges, costs, and expenses of the Boards, Commissions, Committees, Officers, and Departments of the Town, together with the payment of debt service, for said Fiscal Year 2005, with each item considered to be a separate appropriation, all as set forth below;

Such amounts to be provided by taxation and by transfer from available funds (Free Cash, Stabilization Fund, etc.).

Explanation:

This Article presents the proposed Operating Budget of the Town for FY05, together with prior year approvals or spending comparisons. This year the Town is faced with level funding in State Aid, and accordingly, have maintained level spending on most budget with the exception of budgets that have previous contractual obligations or mandatory increases in non-discretionary spending such as Health Insurance and Retirement Costs.

***Recommendation:***      ***The recommendations of the Finance Committee appear next to each line item in the proposed Budget.***

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
4									
5	114	<b>MODERATOR</b>							
6		Salary, Elected Position	110.00	110.00	0.00	0.00	0.00	0.00	
7		Expenses	0.00	25.00	135.00	135.00	135.00	0.00	
8		<b>Total</b>	<b>110.00</b>	<b>135.00</b>	<b>135.00</b>	<b>135.00</b>	<b>135.00</b>	<b>0.00</b>	
9									
10	122	<b>SELECTMEN</b>							
11		Salaries, Elected Officials	7,620.00	7,227.66	7,929.00	7,929.00	7,929.00	0.00	
12		Appointed, Salary	27,832.05	22,321.00	24,373.60	23,500.00	23,500.00	0.00	
13		Wages, Hourly	15,093.27	10,394.60	13,560.00	9,800.00	9,800.00	0.00	
14		Financial Audit	11,478.29	13,552.00	19,200.00	19,200.00	19,200.00	0.00	
15		Legal Notices	2,517.02	3,396.53	2,000.00	2,000.00	2,000.00	0.00	
16		Technical Assistance Grants	4,630.87	1,500.00	3,000.00	3,000.00	3,000.00	0.00	\$3,000 provided from SHIP Excess Earnings
17		Expenses	5,304.49	3,805.01	3,520.00	3,520.00	3,520.00	0.00	
18		Town Report	3,495.00	1,860.05	2,500.00	2,500.00	2,500.00	0.00	
19		<b>Total</b>	<b>77,970.99</b>	<b>64,056.85</b>	<b>76,082.60</b>	<b>71,449.00</b>	<b>71,449.00</b>	<b>0.00</b>	
20									
21	124	<b>PERSONNEL BOARD</b>							
22		Wages Hourly	0.00	0.00	0.00	0.00	0.00	0.00	
23		Expenses	1,275.00	592.15	1,275.00	1,275.00	1,275.00	0.00	
24		Audit	0.00	0.00	0.00	0.00	0.00	0.00	
25		<b>Total</b>	<b>1,275.00</b>	<b>592.15</b>	<b>1,275.00</b>	<b>1,275.00</b>	<b>1,275.00</b>	<b>0.00</b>	
26									
27	129	<b>TOWN ADMINISTRATOR</b>							
28		Salary, Appointed Position	50,255.00	38,203.04	54,964.00	54,964.00	54,964.00	0.00	
29		<b>Total</b>	<b>50,255.00</b>	<b>38,203.04</b>	<b>54,964.00</b>	<b>54,964.00</b>	<b>54,964.00</b>	<b>0.00</b>	
30									
31	131	<b>FINANCE COMMITTEE</b>							
32		Appointed, Salary	2,500.00	2,540.20	2,681.00	2,681.00	2,681.00	0.00	
33		Annual Town Meeting Warrant	2,301.92	2,183.18	3,300.00	3,300.00	3,300.00	0.00	
34		Expenses	170.34	145.00	200.00	200.00	200.00	0	
35		<b>Total</b>	<b>4,972.26</b>	<b>4,868.38</b>	<b>6,181.00</b>	<b>6,181.00</b>	<b>6,181.00</b>	<b>0.00</b>	
36									
37	132	<b>RESERVE FUND</b>							
38		Expenses	48,257.58	50,000.00	50,000.00	50,000.00	50,000.00	0.00	
39		<b>Total</b>	<b>48,257.58</b>	<b>50,000.00</b>	<b>50,000.00</b>	<b>50,000.00</b>	<b>50,000.00</b>	<b>0.00</b>	
40									
41	135	<b>TOWN ACCOUNTANT</b>							
42		Salary, Appointed Position	40,525.00	39,008.66	44,560.00	44,560.00	44,560.00	0.00	
43		Wages Hourly, Appointed	27,661.31	28,450.74	29,565.00	29,565.00	29,565.00	0.00	
44		Expenses	4,987.04	15,550.34	5,100.00	5,100.00	5,100.00	0.00	
45		<b>Total</b>	<b>73,173.35</b>	<b>83,009.74</b>	<b>79,225.00</b>	<b>79,225.00</b>	<b>79,225.00</b>	<b>0.00</b>	
46									
47	136	<b>FINANCE OFFICES</b>							
48		Wages, Hourly	0.00	0.00	0.00	0.00	0.00	0.00	
49		Financial Software License	0.00	4,480.62	4,615.00	0.00	0.00	0.00	First Year Maintenance due in FY06
50		<b>Total</b>	<b>0.00</b>	<b>4,480.62</b>	<b>4,615.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
51									
52	141	<b>ASSESSORS</b>							
53		Salaries, Elected Officials	6,388.50	6,290.31	6,941.00	6,941.00	6,941.00	0.00	
54		Salary, Appointed Position	32,880.00	26,075.52	31,570.56	31,571.00	31,571.00	0.00	
55		Mapping Services	2,995.94	1,487.50	3,400.00	3,500.00	3,500.00	0.00	
56		Contract Services	25,500.00	25,500.00	25,500.00	41,000.00	41,000.00	0.00	Renewal of the Re-Val Contract
57		Expenses	9,514.46	9,416.83	9,250.00	4,040.00	4,040.00	0.00	Sevice included in Re-Val Contract
58		<b>Total</b>	<b>77,278.90</b>	<b>68,770.16</b>	<b>76,661.56</b>	<b>87,052.00</b>	<b>87,052.00</b>	<b>0.00</b>	
59									



	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
60	145	<b>TREASURER</b>							
61		Salary, Appointed Position	42,090.00	43,492.80	44,912.96	44,912.96	44,912.96	0.00	
62		Wages Hourly, Appointed	25,100.35	26,658.70	27,975.30	27,975.30	27,975.30	0.00	
63		Expenses	7,942.20	7,506.53	7,650.00	7,650.00	7,650.00	0.00	
64		Tax Title	0.00	0.00	0.00	0.00	0.00	0.00	
65		<b>Total</b>	<b>75,132.55</b>	<b>77,658.03</b>	<b>80,538.26</b>	<b>80,538.26</b>	<b>80,538.26</b>	<b>0.00</b>	
66									
67	146	<b>TOWN COLLECTOR</b>							
68		Salary, Elected Position	42,090.00	43,492.80	45,734.72	45,734.72	45,734.72	0.00	
69		Wages Hourly, Appointed	25,646.50	16,667.78	17,072.00	17,072.00	17,072.00	0.00	
70		Expenses	21,081.69	12,152.35	10,758.00	11,445.00	11,445.00	0.00	Increase in Software Maintenance Agreement
71		Tax Taking	860.00	0.00	0.00	0.00	0.00	0.00	
72		<b>Total</b>	<b>89,678.19</b>	<b>72,312.93</b>	<b>73,564.72</b>	<b>74,251.72</b>	<b>74,251.72</b>	<b>0.00</b>	
73									
74	151	<b>LEGAL EXPENSE</b>							
75		Expenses	69,065.92	29,794.99	35,000.00	35,000.00	35,000.00	0.00	
76		<b>Total</b>	<b>69,065.92</b>	<b>29,794.99</b>	<b>35,000.00</b>	<b>35,000.00</b>	<b>35,000.00</b>	<b>0.00</b>	
77									
78	155	<b>COMPUTER OPERATIONS</b>							
79		Computer Technician - Town/Library	17,831.76	72,472.79	36,020.00	26,820.00	26,820.00	0.00	Re-allocated to Expense line
80		Computer Operations Expense	9,062.86	8,100.00	8,100.00	28,786.00	28,786.00	0.00	Includes Police Computer Maintenance Contract
81		Equipment	0.00	0.00	1,600.00	5,500.00	5,500.00	0.00	Replace UPS Batteries, Patch Cables
82		<b>Total</b>	<b>26,894.62</b>	<b>80,572.79</b>	<b>45,720.00</b>	<b>61,106.00</b>	<b>61,106.00</b>	<b>0.00</b>	
83									
84	159	<b>OFFICE MACHINES</b>							
85		Expenses	6,297.63	6,157.33	6,175.00	6,175.00	6,175.00	0.00	
86		<b>Total</b>	<b>6,297.63</b>	<b>6,157.33</b>	<b>6,175.00</b>	<b>6,175.00</b>	<b>6,175.00</b>	<b>0.00</b>	
87									
88	161	<b>TOWN CLERK</b>							
89		Salary, Elected Position	42,090.00	43,492.80	45,734.72	50,000.00	45,734.72	0.00	
90		Expenses	1,971.31	783.43	2,280.00	2,280.00	2,280.00	0.00	
91		<b>Total</b>	<b>44,061.31</b>	<b>44,276.23</b>	<b>48,014.72</b>	<b>52,280.00</b>	<b>48,014.72</b>	<b>0.00</b>	
92									
93	162	<b>CONDUCT OF ELECTIONS</b>							
94		Expenses	8,651.61	9,312.03	10,000.00	12,000.00	12,000.00	0.00	Presidential Election
95		<b>Total</b>	<b>8,651.61</b>	<b>9,312.03</b>	<b>10,000.00</b>	<b>12,000.00</b>	<b>12,000.00</b>	<b>0.00</b>	
96									
97	171	<b>CONSERVATION COMMISSION</b>							
98		Wages Hourly, Agent	16,906.09	18,319.47	18,780.16	18,780.16	18,780.16	0.00	
99		Wages Hourly, Appointed	6,264.83	3,207.67	3,443.00	10,153.00	10,153.00	0.00	Formally funded through Wetland Filing fees
100		Transfer from Wetland Filing Fees		0.00	6,710.00	0.00	0.00	0.00	
101		Expenses			0.00	2,300.00	2,300.00	0.00	
102		Open Space Infrastructure & Maint.	6,110.70	0.00	0.00	0.00	0.00	0.00	
103		<b>Total</b>	<b>29,281.62</b>	<b>21,527.14</b>	<b>28,933.16</b>	<b>31,233.16</b>	<b>31,233.16</b>	<b>0.00</b>	
104									
105	175	<b>PLANNING BOARD</b>							
106		Wages Hourly, Appointed	17,105.15	21,907.10	21,996.24	21,996.00	21,996.24	0.00	
107		Expenses	2,749.62	3,993.00	2,993.00	2,990.00	2,993.00	0.00	
108		<b>Total</b>	<b>19,854.77</b>	<b>25,900.10</b>	<b>24,989.24</b>	<b>24,986.00</b>	<b>24,989.24</b>	<b>0.00</b>	
109									
110	176	<b>ZONING BOARD OF APPEALS</b>							
111		Salary, Appointed Position	6,289.92	6,390.28	6,569.00	6,569.00	6,569.00	0.00	
112		Expenses	1,110.73	775.06	1,100.00	1,100.00	1,100.00	0.00	
113		<b>Total</b>	<b>7,400.65</b>	<b>7,165.34</b>	<b>7,669.00</b>	<b>7,669.00</b>	<b>7,669.00</b>	<b>0.00</b>	
114									

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
115	192	<b>PUBLIC BUILDINGS</b>							
116		Wages, Hourly	13,189.27	14,283.99	14,825.00	14,825.00	14,825.00	0.00	
117		Utilities	0.00	0.00	18,005.00	35,000.00	35,000.00	0.00	Consolidated Fuel/Utilities Accounts
118		Phones	0.00	0.00	4,300.00	4,300.00	4,300.00	0.00	
119		Postage	0.00	0.00	0.00	0.00	0.00	0.00	
120		Repairs & Maintenance		0.00	2,500.00	2,500.00	2,500.00	0.00	
121		Expenses	34,969.63	21,766.71	7,080.00	13,050.00	13,050.00	0.00	
122		Fuel Heat	11,237.29	32,242.36	12,000.00	0.00	0.00	0.00	
123		<b>Total</b>	<b>59,396.19</b>	<b>68,293.06</b>	<b>58,710.00</b>	<b>69,675.00</b>	<b>69,675.00</b>	<b>0.00</b>	
124									
125	211	<b>POLICE DEPARTMENT</b>							
126		Appointed Position, Salary Chief	73,105.00	74,859.20	79,741.28	79,741.28	79,741.28	0.00	
127		Appointed Position, Salary Lt	56,120.00	29,880.24	50,434.57	50,434.57	50,434.57	0.00	
128		Appointed, Salary	35,425.00	36,524.80	37,560.32	37,560.32	37,560.32	0.00	
129		Wages, Hourly Custodian	8,558.39	5,135.00	5,612.04	5,612.04	5,612.04	0.00	
130		Salaries, Wages & Hourly (Union)	504,841.91	481,697.26	482,707.00	482,707.00	482,707.00	0.00	
131		Expenses	88,559.78	169,639.46	82,000.00	82,000.00	82,000.00	0.00	Computer Maintenance Contract To Technology
132		<b>Total</b>	<b>766,610.08</b>	<b>797,735.96</b>	<b>738,055.21</b>	<b>738,055.21</b>	<b>738,055.21</b>	<b>0.00</b>	
133									
134	212	<b>CROSSING GUARD</b>							
135		Wages Hourly	4,728.56	4,872.58	5,304.00	5,304.00	5,304.00	0.00	
136		<b>Total</b>	<b>4,728.56</b>	<b>4,872.58</b>	<b>5,304.00</b>	<b>5,304.00</b>	<b>5,304.00</b>	<b>0.00</b>	
137									
138	221	<b>FIRE DEPARTMENT</b>							
139		Appointed Position, Salary Chief	51,520.00	52,624.00	54,987.00	54,987.00	54,987.00	0.00	
140		Wages Hourly, Full-Time	136,568.61	204,767.67	216,604.07	237,876.00	237,876.00	0.00	\$24,643 provided from a transfer from
141		Wages Hourly Overtime	10,849.69	46,933.09	18,360.00	0.00	0.00	0.00	the Ambulance Enterprise Fund
142		Wages Hourly On-Call	20,314.50	14,772.52	23,460.00	12,000.00	12,000.00	0.00	
143		Expenses	29,486.72	40,828.61	32,400.00	32,400.00	32,400.00	0.00	
144		<b>Total</b>	<b>248,739.52</b>	<b>359,925.89</b>	<b>345,811.07</b>	<b>337,263.00</b>	<b>337,263.00</b>	<b>0.00</b>	
145									
146	241	<b>BUILDING INSPECTOR</b>							
147		Salary Appointed Position	12,593.60	33,281.56	34,540.00	34,540.00	34,540.00	0.00	
148		Wages Hourly	14,837.00	15,173.60	15,911.00	15,911.00	15,911.00	0.00	
149		Seal of Weights and Measures	0.00	0.00	0.00	1,500.00	1,500.00	0.00	Required by Law
150		Salary, Part-time Building Inspector	14,745.00	0.00	500.00	500.00	500.00	0.00	
151		Expenses	2,412.69	4,488.41	2,200.00	2,200.00	2,200.00	0.00	
152		<b>Total</b>	<b>44,588.29</b>	<b>52,943.57</b>	<b>53,151.00</b>	<b>54,651.00</b>	<b>54,651.00</b>	<b>0.00</b>	
153									
154	243	<b>GAS/PLUMBING INSPECTOR</b>							
155		Salary, Appointed Position	7,320.00	7,437.04	7,645.00	7,645.00	7,645.00	0.00	
156		Expenses	0.00	0.00	0.00	600.00	600.00	0.00	Educational Expenses, Alternate Inspection, Expenses
157		<b>Total</b>	<b>7,320.00</b>	<b>7,437.04</b>	<b>7,645.00</b>	<b>8,245.00</b>	<b>8,245.00</b>	<b>0.00</b>	
158									
159	245	<b>WIRING INSPECTOR</b>							
160		Salary, Appointed Position	7,320.00	7,437.04	7,645.00	7,645.00	7,645.00	0.00	
161		Expenses	0.00	143.02	500.00	600.00	600.00	0.00	Educational Expenses, Alternate Inspection, Expenses
162		<b>Total</b>	<b>7,320.00</b>	<b>7,580.06</b>	<b>8,145.00</b>	<b>8,245.00</b>	<b>8,245.00</b>	<b>0.00</b>	
163									
164	251	<b>COMMUNICATION CENTER</b>							
165		Wages Hourly	141,809.57	148,422.30	140,193.11	150,646.11	150,646.11	0.00	Contractual Obligation
166		Expenses	18,206.31	6,574.85	7,558.00	7,558.00	7,558.00	0.00	
167		<b>Total</b>	<b>160,015.88</b>	<b>154,997.15</b>	<b>147,751.11</b>	<b>158,204.11</b>	<b>158,204.11</b>	<b>0.00</b>	
168									
169	291	<b>EMERGENCY MANAGEMENT</b>							
170		Salary, Appointed Position	0.00	0.00	0.00	0.00	0.00	0.00	
171		Expenses	0.00	0.00	10.00	10.00	10.00	0.00	
172		<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>10.00</b>	<b>10.00</b>	<b>10.00</b>	<b>0.00</b>	

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
174	292	<b>DOG OFFICER</b>							
175		Salary, Appointed Position	11,115.00	11,356.80	11,603.00	11,603.00	11,603.00	0.00	
176		Expenses	2,882.39	0.00	0.00	0.00	0.00	0.00	
177		<b>Total</b>	<b>13,997.39</b>	<b>11,356.80</b>	<b>11,603.00</b>	<b>11,603.00</b>	<b>11,603.00</b>	<b>0.00</b>	
178									
179	296	<b>CONSTABLE</b>							
180		Expenses	20.00	10.00	50.00	50.00	50.00	0.00	
181		<b>Total</b>	<b>20.00</b>	<b>10.00</b>	<b>50.00</b>	<b>50.00</b>	<b>50.00</b>	<b>0.00</b>	
182									
183	311	<b>SCHOOL DEPARTMENT</b>							
184		State Chapter 70 Aid Appropriation	3,175,985.42	4,366,506.00	3,950,169.00	0.00	0.00	0.00	
185		Medicaid Reimbursement Appropriation	0.00	40,000.00	60,000.00	0.00	0.00	0.00	
186		Local Contribution	1,494,346.00	1,454,388.00	1,434,388.00	0.00	0.00	0.00	
187		<b>Total</b>	<b>4,670,331.42</b>	<b>5,860,894.00</b>	<b>5,444,557.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
188									
189	312	<b>SCHOOL DEPARTMENT TRANSPORTATION</b>							
190		State Transportation Aid Appropriation		61,336.00	0.00	0.00	0.00	0.00	
191		Local Transportation Contribution	465,429.13	411,827.00	473,163.00	0.00	0.00	0.00	
192		<b>Total</b>	<b>465,429.13</b>	<b>473,163.00</b>	<b>473,163.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
193									
194	315	<b>SCHOOL DEPARTMENT</b>							
195		Lease of Devens School	99,999.96	99,999.96	50,000.00	50,000.00	50,000.00	0.00	
196		<b>Total</b>	<b>99,999.96</b>	<b>99,999.96</b>	<b>50,000.00</b>	<b>50,000.00</b>	<b>50,000.00</b>	<b>0.00</b>	
197									
198	316	<b>MEDICAID REIMBURSEMENT BUREAU</b>							
199		Expense	5,752.11	0.00	0.00	0.00	0.00	0.00	
200		<b>Total</b>	<b>5,752.11</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
201									
202	321	<b>NASHOBA VALLEY TECH. H.S.</b>							
203		Expenses	152,999.00	119,910.00	227,883.00	269,859.00	269,859.00	0.00	Assessment based on Student Population
204		<b>Total</b>	<b>152,999.00</b>	<b>119,910.00</b>	<b>227,883.00</b>	<b>269,859.00</b>	<b>269,859.00</b>	<b>0.00</b>	
205									
206	330 *	<b>SCHOOL DEPARTMENT *</b>							
207		Pre-school through Grade 8	3,646,309.00	3,955,035.00	3,553,291.00	3,708,266.00	3,612,642.00	0.00	Difference funded by proposition 21/2 override
208		High School Tuition	890,003.00	923,599.00	1,075,830.00	1,072,588.00	1,072,588.00	0.00	
209		<b>Total</b>	<b>4,536,312.00</b>	<b>4,878,634.00</b>	<b>4,629,121.00</b>	<b>4,780,854.00</b>	<b>4,685,230.00</b>	<b>0.00</b>	
210									
211	332 *	<b>SCHOOL DEPARTMENT *</b>							
212		SPED Out-of-District Tuition	762,043.00	912,260.00	815,436.00	1,022,587.00	815,436.00	0.00	Difference funded by proposition 21/2 override
213		<b>Total</b>	<b>762,043.00</b>	<b>912,260.00</b>	<b>815,436.00</b>	<b>1,022,587.00</b>	<b>815,436.00</b>	<b>0.00</b>	
214									
215	334 *	<b>SCHOOL DEPARTMENT TRANSPORTATION *</b>							
216		Pre-School through Grade 12	330,880.00	375,745.00	277,836.00	291,727.00	291,727.00	0.00	
217		<b>Total</b>	<b>330,880.00</b>	<b>375,745.00</b>	<b>277,836.00</b>	<b>291,727.00</b>	<b>291,727.00</b>	<b>0.00</b>	
218									
219	336 *	<b>SCHOOL DEPARTMENT TRANSPORTATION *</b>							
220		SPED Transporation	134,549.00	144,885.00	195,327.00	314,977.00	195,327.00	0.00	Difference funded by proposition 21/2 override
221		<b>Total</b>	<b>134,549.00</b>	<b>144,885.00</b>	<b>195,327.00</b>	<b>314,977.00</b>	<b>195,327.00</b>	<b>0.00</b>	
222									
223	422	<b>DEPARTMENT OF PUBLIC WORKS</b>							
224		Salary, Appointed Position	62,745.00	61,164.86	65,988.00	65,988.00	65,988.00	0.00	
225		Wages Hourly	22,084.95	14,459.07	9,139.00	9,139.00	9,139.00	0.00	
226		Wages Hourly (Union)	184,692.98	156,926.12	172,310.00	172,310.00	172,310.00	0.00	
227		Wages Hourly (Union Overtime)	1,180.07	1,901.87	2,000.00	2,000.00	2,000.00	0.00	
228		Expenses	50,775.29	68,481.44	43,800.00	43,800.00	43,800.00	0.00	
229		Building Maintenance & Operations	21,005.52	26,485.83	21,000.00	21,000.00	21,000.00	0.00	
230		Diesel Fuel	1,026.65	0.00	1,100.00	1,100.00	1,100.00	0.00	
231		<b>Total</b>	<b>343,510.46</b>	<b>329,419.19</b>	<b>315,337.00</b>	<b>315,337.00</b>	<b>315,337.00</b>	<b>0.00</b>	
232									

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
233	423	<b>SNOW &amp; ICE REMOVAL</b>							
234		Wages Hourly	2,273.40	13,843.00	3,500.00	3,500.00	3,500.00	0.00	
235		Overtime	14,882.00	24,112.71	11,000.00	11,000.00	11,000.00	0.00	
236		Expenses	77,357.08	104,447.56	64,500.00	64,500.00	64,500.00	0.00	
237		<b>Total</b>	<b>94,512.48</b>	<b>142,403.27</b>	<b>79,000.00</b>	<b>79,000.00</b>	<b>79,000.00</b>	<b>0.00</b>	
238									
239	424	<b>STREET LIGHTS</b>							
240		Expenses	21,287.55	21,876.19	21,500.00	21,500.00	21,500.00	0.00	
241		<b>Total</b>	<b>21,287.55</b>	<b>21,876.19</b>	<b>21,500.00</b>	<b>21,500.00</b>	<b>21,500.00</b>	<b>0.00</b>	
242									
243	426	<b>ROAD &amp; GROUNDS MAINTENANCE</b>							
244		Expenses	47,600.00	45,913.53	45,500.00	45,500.00	45,500.00	0.00	\$24,750 provided from the Receipt Reserve
245		Front/Frost Street Re-alignment			0.00	10,000.00	10,000.00	0.00	Sale of Land Special Revenue Fund
246		Catch Basin Cleaning	468.71	0.00	0.00	0.00	0.00	0.00	
247		<b>Total</b>	<b>48,068.71</b>	<b>45,913.53</b>	<b>45,500.00</b>	<b>55,500.00</b>	<b>55,500.00</b>	<b>0.00</b>	
248									
249	433	<b>B.O.H./TRASH COLLECTION</b>							
250		Trash Collection/Recycling	386,657.50	366,877.08	360,000.00	364,000.00	364,000.00	0.00	
251		<b>Total</b>	<b>386,657.50</b>	<b>366,877.08</b>	<b>360,000.00</b>	<b>364,000.00</b>	<b>364,000.00</b>	<b>0.00</b>	
252									
253	491	<b>CEMETERIES</b>							
254		Superintendent, Wages Hourly	4,870.00	4,970.00	0.00	0.00	0.00	0.00	
255		Burial Agent	0.00	0.00	0.00	2,400.00	2,400.00	0.00	\$2,400 From Sale of Graves
256		Wages Hourly	2,730.00	2,534.00	7,315.00	8,900.00	8,900.00	0.00	\$5,000 to be provided by Perpetual Care
257		Expenses	5,832.20	0.00	0.00	2,200.00	2,200.00	0.00	
258		<b>Total</b>	<b>13,432.20</b>	<b>7,504.00</b>	<b>7,315.00</b>	<b>13,500.00</b>	<b>13,500.00</b>	<b>0.00</b>	
259									
260	492	<b>BOARD OF HEALTH/LANDFILL</b>							
261		Expenses	2,850.00	2,000.00	2,000.00	2,000.00	2,000.00	0.00	
262		Monitoring/Testing	18,950.00	16,460.00	17,900.00	17,900.00	17,900.00	0.00	
263		<b>Total</b>	<b>21,800.00</b>	<b>18,460.00</b>	<b>19,900.00</b>	<b>19,900.00</b>	<b>19,900.00</b>	<b>0.00</b>	
264									
265	511	<b>BOARD OF HEALTH</b>							
266		Wages Hourly	10,357.26	10,621.52	11,138.00	11,138.00	11,138.00	0.00	
267		Animal Inspector	2,780.00	2,675.40	2,966.00	2,966.00	2,966.00	0.00	
268		Expenses	1,490.86	1,632.47	1,800.00	1,800.00	1,800.00	0.00	
269		<b>Total</b>	<b>14,628.12</b>	<b>14,929.39</b>	<b>15,904.00</b>	<b>15,904.00</b>	<b>15,904.00</b>	<b>0.00</b>	
270									
271	512	<b>BOARD OF HEALTH/RECYCLING</b>							
272		Wages Hourly	3,645.00	3,512.88	5,100.00	5,100.00	5,100.00	0.00	
273		Expenses	2,666.77	3,082.59	3,000.00	3,000.00	3,000.00	0.00	
274		<b>Total</b>	<b>6,311.77</b>	<b>6,595.47</b>	<b>8,100.00</b>	<b>8,100.00</b>	<b>8,100.00</b>	<b>0.00</b>	
275									
276	514	<b>NASHOBA BOARD OF HEALTH</b>							
277		Expenses, Health Services	14,907.00	14,907.00	14,907.00	14,907.00	14,907.00	0.00	
278		Expenses, Home Care Services	7,711.00	8,019.00	8,019.00	8,019.00	8,019.00	0.00	
279		<b>Total</b>	<b>22,618.00</b>	<b>22,926.00</b>	<b>22,926.00</b>	<b>22,926.00</b>	<b>22,926.00</b>	<b>0.00</b>	
280									
281	523	<b>MENTAL HEALTH EXPENSES</b>							
282		Expenses	11,290.00	11,290.00	11,290.00	11,290.00	11,290.00	0.00	
283		<b>Total</b>	<b>11,290.00</b>	<b>11,290.00</b>	<b>11,290.00</b>	<b>11,290.00</b>	<b>11,290.00</b>	<b>0.00</b>	
284									
285	541	<b>COUNCIL ON AGING</b>							
286		Wages Hourly, Director	14,678.02	0.00	0.00	0.00	0.00	0.00	
287		Coordinator Stipend	0.00	0.00	2,400.00	2,400.00	2,400.00	0.00	
288		Expenses	2,002.39	1,698.75	2,000.00	2,000.00	2,000.00	0.00	
289		Meals on Wheels Wages Hourly		0.00	0.00	0.00	0.00	0.00	
290		Meals on Wheels Expenses	3,918.63	3,000.00	3,000.00	3,000.00	3,000.00	0.00	
291		<b>Total</b>	<b>20,599.04</b>	<b>4,698.75</b>	<b>7,400.00</b>	<b>7,400.00</b>	<b>7,400.00</b>	<b>0.00</b>	

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
293	543	<b>VETERANS</b>							
294		Salary, Appointed Position	5,240.00	5,324.28	5,473.00	5,473.00	5,473.00	0.00	
295		Expenses	64.00	37.83	150.00	150.00	150.00	0.00	
296		Benefits	11,444.00	3,423.00	4,000.00	4,000.00	4,000.00	0.00	
297		<b>Total</b>	<b>16,748.00</b>	<b>8,785.11</b>	<b>9,623.00</b>	<b>9,623.00</b>	<b>9,623.00</b>	<b>0.00</b>	
298									
299	611	<b>LIBRARY</b>							
300		Salary, Appointed Position	33,848.37	31,080.54	33,648.00	33,648.00	33,648.00	0.00	
301		Wages Hourly	62,031.60	58,541.88	60,988.35	64,970.00	64,970.00	0.00	
302		Expenses	31,345.00	34,376.36	37,345.00	35,785.00	35,785.00	0.00	
303		Utilities	13,499.61	13,701.76	14,400.00	14,400.00	14,400.00	0.00	
304		<b>Total</b>	<b>140,724.58</b>	<b>137,700.54</b>	<b>146,381.35</b>	<b>148,803.00</b>	<b>148,803.00</b>	<b>0.00</b>	
305									
306	630	<b>RECREATION</b>							
307		Wages Hourly	4,556.95	2,480.72	3,568.00	4,217.00	4,217.00	0.00	
308		Expenses	1,252.36	409.85	1,600.00	1,000.00	1,000.00	0.00	
309		Basketball Expense	5,793.80	3,600.00	3,600.00	3,600.00	3,600.00	0.00	
310		Soccer Expense	2,798.49	2,800.00	2,800.00	2,800.00	2,800.00	0.00	
311		Softball/Dec Hockey		0.00	0.00	0.00	0.00	0.00	Recommend line item be removed
312		Babe Ruth Little League	688.47	0.00	0.00	0.00	0.00	0.00	
313		<b>Total</b>	<b>15,090.07</b>	<b>9,290.57</b>	<b>11,568.00</b>	<b>11,617.00</b>	<b>11,617.00</b>	<b>0.00</b>	
314									
315	650	<b>BENJAMIN HILL PARK COMMITTEE</b>							
316		Wages	0.00	4,000.00	4,000.00	4,000.00	4,000.00	0.00	
317		Expenses	14,382.47	2,980.04	2,000.00	2,000.00	2,000.00	0.00	
318		<b>Total</b>	<b>14,382.47</b>	<b>6,980.04</b>	<b>6,000.00</b>	<b>6,000.00</b>	<b>6,000.00</b>	<b>0.00</b>	
319									
320	691	<b>HISTORICAL COMMISSION</b>							
321		Expenses	201.52	151.59	300.00	300.00	300.00	0.00	
322		<b>Total</b>	<b>201.52</b>	<b>151.59</b>	<b>300.00</b>	<b>300.00</b>	<b>300.00</b>	<b>0.00</b>	
323									
324	692	<b>MEMORIAL DAY</b>							
325		Expenses	2,084.58	2,084.58	2,400.00	2,400.00	2,400.00	0.00	
326		<b>Total</b>	<b>2,084.58</b>	<b>2,084.58</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>2,400.00</b>	<b>0.00</b>	
327									
328	694	<b>CENTER TOWN HALL COMMITTEE</b>							
329		Expense	0.00	6.69	200.00	200.00	200.00	0.00	
330		<b>Total</b>	<b>0.00</b>	<b>6.69</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>	<b>0.00</b>	
331									
332	711	<b>GENERAL FUND DEBT SERVICE</b>							
333		Long Term Principal	195,000.00	284,401.00	284,299.00	234,299.00	234,299.00	0.00	
334		Long Term Interest	100,475.00	142,792.47	129,310.00	117,730.00	117,730.00	0.00	
335		Short Term Interest	9,776.00	2,531.51	1,000.00	0.00	0.00	0.00	
336		Capital Short Term Interest	0.00	0.00	11,000.00	14,163.00	14,163.00	0.00	
337		School Building Short Term Interest	23,350.00	463,274.18	328,195.00	328,195.00	328,195.00	0.00	
338		<b>Total</b>	<b>328,601.00</b>	<b>892,999.16</b>	<b>753,804.00</b>	<b>694,387.00</b>	<b>694,387.00</b>	<b>0.00</b>	
339									
340	712	<b>DEBT ISSUE COST</b>							
341		Expense	17,718.98	0.00	0.00	35,000.00	35,000.00	0.00	
342		<b>Total</b>	<b>17,718.98</b>	<b>0.00</b>	<b>0.00</b>	<b>35,000.00</b>	<b>35,000.00</b>	<b>0.00</b>	
343									
344	840	<b>MONTACHUSETT REG. PLAN.</b>							
345		Assessment	1,225.66	1,252.26	1,284.00	1,315.66	1,315.66	0.00	
346		<b>Total</b>	<b>1,225.66</b>	<b>1,252.26</b>	<b>1,284.00</b>	<b>1,315.66</b>	<b>1,315.66</b>	<b>0.00</b>	
347									
348	911	<b>MIDDLESEX CO RETIREMENT</b>							
349		Assessment	259,157.00	293,540.00	313,540.00	382,880.00	382,880.00	0.00	Three additional retirees
350		<b>Total</b>	<b>259,157.00</b>	<b>293,540.00</b>	<b>313,540.00</b>	<b>382,880.00</b>	<b>382,880.00</b>	<b>0.00</b>	

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
351									
352	913	<b>UNEMPLOYMENT INSURANCE</b>							
353		Expenses	19,826.00	43,795.76	65,000.00	65,000.00	65,000.00	0.00	
354		<b>Total</b>	<b>19,826.00</b>	<b>43,795.76</b>	<b>65,000.00</b>	<b>65,000.00</b>	<b>65,000.00</b>	<b>0.00</b>	
355									
356	914	<b>GROUP HEALTH/LIFE INSURANCE</b>							
357		Expenses	787,983.42	915,223.65	946,759.00	1,049,395.00	1,049,395.00	0.00	
358		<b>Total</b>	<b>787,983.42</b>	<b>915,223.65</b>	<b>946,759.00</b>	<b>1,049,395.00</b>	<b>1,049,395.00</b>	<b>0.00</b>	
359									
360	915	<b>LONGEVITY PAY</b>							
361		Expenses	12,102.00	13,076.00	13,200.00	13,013.00	13,013.00	0.00	
362		<b>Total</b>	<b>12,102.00</b>	<b>13,076.00</b>	<b>13,200.00</b>	<b>13,013.00</b>	<b>13,013.00</b>	<b>0.00</b>	
363									
364	916	<b>F. I. C. A./MEDICARE</b>							
365		Expenses	70,823.34	74,263.55	75,000.00	77,250.00	77,250.00	0.00	
366		<b>Total</b>	<b>70,823.34</b>	<b>74,263.55</b>	<b>75,000.00</b>	<b>77,250.00</b>	<b>77,250.00</b>	<b>0.00</b>	
367									
368	917	<b>STATE RETIREMENT ASSESSMENT</b>							
369		Assessment	0.00	0.00	0.00	1,805.00	1,805.00	0.00	
370		<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,805.00</b>	<b>1,805.00</b>	<b>0.00</b>	
371									
372	945	<b>GENERAL INSURANCE</b>							
373		Expenses	97,425.00	106,247.00	125,000.00	125,000.00	125,000.00	0.00	
374		<b>Total</b>	<b>97,425.00</b>	<b>106,247.00</b>	<b>125,000.00</b>	<b>125,000.00</b>	<b>125,000.00</b>	<b>0.00</b>	
375									
376		<b>TOTAL BUDGET</b>	<b>10,205,668.93</b>	<b>12,206,201.29</b>	<b>11,665,813.00</b>	<b>12,415,175.12</b>	<b>11,988,488.08</b>	<b>0.00</b>	
377									
378									
379	*	Note due to account restructuring and for purpose of this Budget , the FY02 through FY04 amounts listed for							
380		the School Department Line Items 330, 332, 334 and 336 are for informational purposes only and are not							
381		included in the Town's Total Budget Line Item above.							
382									

	A	B	D	E	T	V	W	AA	AB
1		<b>TOWN OF SHIRLEY FY05 BUDGET</b>							
2	Line #	Department/Account Name	Expended	Expended	Approved	Requested	Recommended	Approved	Finance Committee
3			FY02	FY03	FY04	FY05	FY05	ATM FY05	Comments/Explanations
383									
384									
385									
386									
387		Estimated Spending			(11,665,813.00)	(12,415,175)	(11,988,488)		
388									
389		Other Adjustments							
390		Salary adjustments			(60,000.00)	(75,000.00)	(60,000.00)		
391		Fire Department Salaries			0.00	0.00	Inc.		
392		Communications Salaries			0.00	0.00	Inc.		
393		Snow & Ice Deficit			(25,000.00)	(25,000.00)	0.00		
394		NVTHS			(30,000.00)	Inc.	Inc.		
395		Health Insurance			(100,000.00)	Inc.	Inc.		
396		Middlesex Retirement			(70,000.00)	Inc.	Inc.		
397		Senior Work-Off Program			(9,000.00)	(8,900.00)	(8,900.00)		
398		General Insurance			(10,000.00)	Inc.	Inc.		
399		Police Cruiser			(35,000.00)	(35,000.00)	(33,838.00)		
400		Total Other Adjustments			(339,000.00)	(143,900.00)	(102,738.00)		
401									
402					(12,004,813.00)	(12,559,075.12)	(12,091,226.08)		
403									
404		PROJECTED REVENUE			11,267,898.51	11,267,898.51	11,267,898.51		
405									
406									
407									
408		NET SURPLUS/(DEFICIT)			(736,914.49)	(1,291,177)	(823,328)		
409									
410									
411									
412									
413									
414		Deficit			(736,914.49)	(1,291,176.61)	(823,327.57)		
415									
416		MCI Mitigation			160,000	160,000	\$153,000.00		
417		Gravel			100,000	100,000	\$88,650.00		
418		Increase in Free Cash			40,000	40,000	\$202,529.00		
419		Increase in Overlay Surplus			140,341	140,341	\$140,340.53		
420		Transfer From Ambulance 10% of Salaries					\$0.00		
421		Ambulance EMT Stipends					\$4,350.00		
422		Decrease in Snow Ice Deficit			25,000	25,000	\$0.00		
423		From Perpetual Care			0	5,000	\$5,000.00		
424		From Sale of Graves			0	0	\$2,400.00		
425		NMSB - Revenue Reserve			20,000	20,000	\$24,750.00		
426		Transfer From Stabilization			250,000	250,000	\$190,000.00		
427		Increase in Gravel Fees			0	0	\$70,000.00		
428		Fire Department Exhaust			0	0	(\$7,000.00)		
429		Fire Department Tires					(\$8,000.00)		
430		Town Betterments					(\$50,715.06)		
431		DWP Roof			0	0	(\$8,000.00)		
432		FY03 Prior Year Bill					(\$105.53)		
433		FY03 Prior Year Bill					(\$124.51)		
434		SHIP Excess Earnings			0	0	\$16,162.95		
435		Cruiser from MCI			0	0	\$0.00		
436									
437					(1,573.96)	(550,836.08)	(90.19)		

### **Article 8. Appropriate Chapter 70 Funds & School Transportation Aid.**

To see if the Town will appropriate, directly for expenditure by the School Department, in addition to the amounts set forth in the Budget under Article 7 of this Warrant, any further School and School Transportation Aid that may be received from the Commonwealth during Fiscal Year 2005, in accordance with Chapter 70 of the Massachusetts General Laws or otherwise.

#### Explanation:

The Commonwealth distributes Local Aid under various headings. Chapter 70 Aid and Transportation Aid are for the operation of school districts.

The State is supposed to advise municipalities of their Local Aid before Annual Town Meetings vote their local Budgets. Sometimes, also, the State releases additional Local Aid later in the Fiscal Year.

As this Warrant goes to press, the Commonwealth has yet to finalize the FY05 budget. The Budget in this Warrant is therefore based on a conservative prediction, but this Article allows for improvement should additional fund be obtained.

**Recommendation:**        *The Finance Committee recommends favorable action under this Article.*

### **Article 9. Appropriate Chapter 90 Funds.**

To see if the Town will appropriate, directly for expenditure by the Public Works Department, for such purposes as may be approved by MassHighway for capital expenditures, all Highway Aid received from the Commonwealth during Fiscal Year 2005, in accordance with Chapter 90 of the Massachusetts General Laws.

#### Explanation:

Chapter 90 Aid from the Commonwealth can be used only for the paving or reconstruction of roads and related capital projects and purposes, not for general Highway operations. These monies are separate from the Budget cycle and made available to municipalities by drawdown against invoices for projects or purchases approved in advance by MassHighway.

**Recommendation:**        *The Finance Committee recommends favorable action under this Article.*

### **Article 10. Amend Wage & Salary Classification Plan and Appropriate Salary Adjustments**

To see if the Town will amend its Wage & Salary Classification Plan, most recently amended under Article 9 in the Warrant for the Annual Town Meeting held on June 16, 2003, by adding the positions of Building Inspector (full-time) and deleting the positions of Firefighter (full-time) and Dispatcher as set forth in Appendix A, and by increasing the rates of pay for each Grade and Step by five percent (5%), effective July 1, 2004, as set forth in Appendix C, and furthermore, to see if the Town will transfer from available funds \$60,000 to be expended by the respective Departments, in order to fund a five percent (5%) increase for employees identified in Article 7 during Fiscal Year 2005.

#### Explanation:

The Town adopted a Wage & Salary Classification Plan, including a Wage Scale, at the 1998 Annual Town Meeting and has revised it fairly regularly each year since. In FY03 due to the Town's financial straits, all non-educational employees received a Cost-of-Living Adjustment (COLA), however they DID NOT receive a merit increase (Step Increase) for their work performance. In FY 04, all non-educational employees were awarded a 2%



COLA effective July 1, 2003 and a Merit Increase (approximately 2.25%) upon the anniversary of their employment.

In the past, there has been much criticism as to the effectiveness and accuracy of the Wage & Salary Classification Plan, as well as, the Wage Scale currently in place. There is concern as to whether positions included in the Plan are properly classified. Additionally, there are currently employees who have “maxed-out” in their respective Grade on the Wage Scale offering no merit increase for their work performance. Inasmuch, the Selectmen and the Finance Committee are looking to address these concerns in the upcoming Fiscal Year and make any necessary adjustment at the next Annual Town Meeting. Until these issues are addressed, this Article proposes to update the current Wage Scale by 5%, NOT provide for Merit Increase, and appropriate \$60,000 to support these costs.

**Recommendation:**        *The Finance Committee recommends favorable action under this Article.*

#### **Article 11.     Adopt Sewer Department Budget for FY’05.**

To see if the Town will appropriate a sum of money, to be expended by the Sewer Commissioners, as and for the Budget of the Sewer Department for the period from July 1, 2004 through June 30, 2005, in order to defray the operations and other necessary and proper charges, costs, and expenses of the Sewer Department for said Fiscal Year 2005, with each item considered to be a separate appropriation, all as set forth below;

Such amounts to be provided from estimated revenues of \$796,875 from Betterment Assessments, an estimated \$395,784 from User Fees to be charged by the Sewer Department, and \$549,427 from retained earnings.

#### **LINE 410: SEWER DEPARTMENT BUDGET Fiscal Year 2005**

<b><u>Description</u></b>	<b><u>Appropriated FY04</u></b>	<b><u>Requested FY05</u></b>
Wages, Hourly	\$ 23,725	\$ 24,925
Health Insurance	\$ 7,970	\$ 8,474
Medicare	\$ 350	\$ 362
Contracted Services / Operations & Maintenance	\$ 216,072	\$ 256,323
General Operations / User Expenses	\$ 87,500	\$ 75,700
Reserve Fund	\$ 30,000	\$ 30,000
Capital Assessments & Debt Service / Betterment Expenses	<u>\$ 1,359,521</u>	<u>\$ 1,346,302</u>
<b>Total Sewer Department</b>	<b>\$ 1,725,248</b>	<b>\$ 1,742,086</b>

#### **Explanation:**

The Budget of the Sewer Department has been set up under MGL Chapter 44 §53F-1/2 as an Enterprise Fund, essentially making it a self-contained operation through generation of their own revenues to support their expenses the Commission. This Budget has no direct impact on the tax rate. This Article presents the proposed budget for the Sewer Commission for FY05.

**Recommendation:**        *The Finance Committee recommends favorable action under this Article.*

#### **Article 12.     Adopt Ambulance Department Budget for FY ‘05.**

To see if the Town will appropriate a sum of money, to be expended by the Ambulance Department, as and for its Budget for the period from July 1, 2004 through June 30, 2005 in order to defray the operations and other necessary and proper charges, costs, and expenses of the Ambulance Department for said Fiscal Year 2005, with each item considered to be a separate appropriation, all as set forth below;

Such amounts to be provided from estimated proceeds of \$100,000 in User Fees to be charged by the Ambulance Department and from \$126,887 from retained earnings.

**LINE 231: AMBULANCE DEPARTMENT BUDGET**  
**Fiscal Year 2005**

<b><u>Description</u></b>	<b><u>Appropriated FY04</u></b>	<b><u>Requested FY05</u></b>
Salary, Ambulance Director	\$ 7,740	\$ 12,000
Wages, Hourly – On-Call EMTs, Billing Clerk	\$ 36,516	\$ 28,000
Wages, Hourly – Fire/EMTs Personnel	\$ 0	\$ 24,643
EMT Stipends	\$ 0	\$ 4,350
Health Insurance	\$ 7,970	\$ 8,474
Medicare	\$ 115	\$ 580
Utilities	\$ 2,859	\$ 0
Expenses	\$ 26,840	\$ 26,840
Capital Purchase – New Ambulance	\$ 0	\$ 122,000
<b>Total Ambulance Department</b>	<b>\$ 82,040</b>	<b>\$ 226,887</b>

**Explanation:**

During FY02, the Town converted the financing of the Ambulance Department from a Revolving Account to an Enterprise Fund. This article represents the proposed budget for the Ambulance Department for FY05. Funds to support this article are provided from the proceeds of User Fees to be charged by the Ambulance Department and retained earnings. This, too, has no effect on the tax rate.

***Recommendation:***      ***The Finance Committee recommends favorable action under this Article.***

**Article 13.      Transfer Funds from Sale of Cemetery Lots Account and Perpetual Care Fund to the Cemetery Commission for FY05.**

To see if the Town will transfer \$2,400 from the Town's Sale of Cemetery Lots receipt account to Line Item #491, Burial Agent disbursement account, and transfer \$5,000 from Perpetual Care Interest Earnings to Line Item #491, Expense disbursement account, of the Cemeteries Commission for Fiscal Year 2005.

**Explanation:**

In April 2003, the Cemetery Superintendent retired with a majority of the functions being transferred to the Department of Public Works. However, administrative functions such as the showing and the sale of graves, remain with the Cemetery Commission. This article provides a \$200 a month stipend for a burial agent to handle these administrative functions on behalf of the Cemetery Commission, as well as, \$5,000 from interest earnings from the Perpetual Care Fund to support the maintenance of the Cemeteries. In past fiscal years, expenses from interest earnings from the Perpetual Care Fund were not budgeted.

***Recommendation:***      ***The Finance Committee recommends favorable action under this Article.***

**Article 14.      Appropriate Funds for Senior Tax Work-off Program**

To see if the Town will appropriate \$8,900 to be expended by the Board of Selectmen, to in order to defray costs of a Senior Tax Work-off Program including the reimbursement to the Town for lost tax revenue and Medicare

costs.

Such appropriation to be provided by a transfer from available funds.

Explanation:

At the ATM held in June 2000, the Town accepted the provisions MGL Chapter 59 §5K which provides a program for persons over the age of 60 to reduce their Real Estate Tax Obligations in exchange for volunteer services to the Town. Such reduction shall not exceed \$500 per year per tax bill. This article appropriates \$8,900 to provide for approximately 1,300 hours of community service for individuals who meet these criteria, as well as, the Town's mandatory Medicare reimbursement to the Federal Government.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 15.      Authorize Transfers for Managing Debt.**

To see if the Town will authorize the Treasurer, with the approval of the Selectmen and the Finance Committee, to transfer funds among the Line Items #711, Debt Service (Long-term Principal and Interest and Short Term Interest) and Line #712, Debt Issue Cost (Expense) in the Budget for FY 2005:

Provided that such transfers remain within the total appropriations for these Line Items and Sub-accounts.

Explanation:

The Town Treasurer will borrow on a short-term (fewer than 2 years) basis for relatively small items in the Capital Improvement Program until they total \$1 million, when he will "roll" them into a long-term (3 or more years) bond issue. Interest rates and debt-issue costs are more advantageous at the \$1 million level.

For multi-million-dollar projects, the Treasurer may borrow short term until all the bills are in. When the total actual cost is certain, net of any up-front reimbursements, the short-term notes will similarly be "rolled over".

The Treasurer knows generally when these consolidations are likely to occur, but it is neither possible nor wise to establish any more than a target date in advance. Delays happen beyond his control, and market conditions may dictate acceleration or deferral.

Yet the Treasurer becomes locked into Line Items in the Budget for short-term and long-term debt. As a result, it is advisable for the Town to provide a controlled measure of flexibility in financial management, the purpose of this Article.

If more short-term interest must be expended during a particular fiscal year, less long-term interest will be, and vice versa. There is also a relationship between when the Town issues long-term debt and when the first payment of principal is due.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 16.      Renew Limited Additional Property Tax Exemption for Qualified Persons.**

To see if the Town will accept the provisions of Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption, which shall be uniform for all exemptions, but not to exceed more than a 100% additional property tax exemption, for Fiscal Year 2005, for those who qualify (persons who are blind, infirm, orphaned, over 70 years of age, widowed, etc.) under Chapter 59, Section 5, of the Massachusetts General Laws.

Explanation:

The Commonwealth allows certain exemptions and abatements in connection with local real estate taxes. These relate to the age, disability, or financial circumstances of the taxpayers. Some of these exemptions and abatements are automatic; others require the Board of Assessors or Town Meeting approval. This Article authorizes the Assessors to grant these tax exemptions for those who qualify under MGL.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 17.      Establish Departmental Revolving Funds.**

To see if the Town will establish or re-establish the following Departmental Revolving Funds for Fiscal Year 2004 in accordance with Chapter 44, Section 53 E 1/2, of the Massachusetts General Laws:

**A.      Council on Aging Van Service (Renew).**

Fiscal Year Expenditure Limit: \$43,000  
Authorized Department:      Council on Aging.  
Program or Purpose:      Van Service for transporting the elderly and disabled.  
Revenue Source:      Fees, Fares or Reimbursement from Montachusett Regional  
Transportation Authority

**B.      Advertising & Postage Costs Advanced by Applicants (Renew).**

Fiscal Year Expenditure Limit: \$5,000  
Authorized Department:      Relevant Departments  
Program or Purpose:      Pass-through account for legal advertisements and postage funded by  
applicants for licenses, permits, etc.  
Revenue Source:      Charges, costs, and fees advanced or reimbursed by applicants in  
connection with applications for licenses, permits, variances, or other  
matters.

**C.      Dog Licensing & Other Expenses (Renew).**

Fiscal Year Expenditure Limit: \$5,000  
Authorized Department:      Town Clerk, Dog Officer.  
Program or Purpose:      Dog Licensing & other expenses relating to dogs.  
Revenue Source:      Fees for licensing dogs.

**D.      Boarding & Caring for Impounded Dogs (Renew).**

Fiscal Year Expenditure Limit: \$5,000  
Authorized Department:      Police Department.  
Program or Purpose:      Boarding and caring for impounded dogs.  
Revenue Source:      Fines and payments by owners for boarding dogs

**E.      Transportation for "Choice-In" Students (Renew).**

Fiscal Year Expenditure Limit: \$11,000  
Authorized Department:      School District  
Program or Purpose:      Reimbursement to parents or guardians for transportation of children  
attending school in Shirley under "School Choice".  
Revenue Source: State Reimbursement

**F.      Wetlands By-law Expenses (Renew).**

Fiscal Year Expenditure Limit: \$25,000  
Authorized Department: Conservation Commission.  
Program or Purpose: Pass-through account for expert engineering and consulting services retained by the Conservation Commission for review of applications under the Wetlands By-law.  
Revenue Source: Costs and fees advanced by applicants.

**G. Fees for Deputy Collector (Renew).**

Fiscal Year Expenditure Limit: \$15,000  
Authorized Department: Town Collector.  
Program or Purpose: Pass-through account to pay statutory fees earned by the Town's Deputy Collector (independent contractor).  
Revenue Source: Fees added to and paid with overdue bills.

**H. Fees & Expenses of Field Driver (Renew).**

Fiscal Year Expenditure Limit: \$2,000  
Authorized Department: Police Department.  
Program or Purpose: Pass-through account for paying the fees and expenses of the Town's Field Driver.  
Revenue Source: Charges assessed to owners for collecting, transporting, and impounding their strayed animals.

**I. Fees & Expenses of Police Lock-up (Renew).**

Fiscal Year Expenditure Limit: \$5,000  
Authorized Department: Police Department.  
Program or Purpose: Pass-through account for providing lock-up facilities to other governmental entities.  
Revenue Source: Fees paid for use of cells.

**J. Expenses of Planning Board (Renew).**

Fiscal Year Expenditure Limit: \$40,000  
Authorized Department: Planning Board.  
Program or Purpose: Pass-through account for expert engineering, other consulting services & for legal advertising required & expenses incurred by the Planning Board for review of applications under its Subdivision control Regulations.  
Revenue Source: Costs and fees advanced by applicants

**K. Expenses of Recycling (Renew).**

Fiscal Year Expenditure Limit: \$3,000  
Authorized Department: Board of Health.  
Program or Purpose: Pass-through account for expenses of recycling cardboard, glass, metals, paper, plastics, etc.  
Revenue Source: Payments for recycled materials.

**L. Police Department Road Details (New).**

Fiscal Year Expenditure Limit: \$30,000

Authorized Department:	Police Department.
Program or Purpose:	Pass-through account for police road detail expenses incurred to be reimbursed by entity requesting the police detail.
Revenue Source:	Payments from entity requesting a police road detail.

Explanation:

Some of the Town's governmental functions are able to produce enough revenue, through fees, grants, and the like, to support particular expenses. Formerly the Town had to raise the expense money at Town Meeting and then, behind the scenes, offset the appropriation with estimated receipts in order to keep the tax rate at a minimum. More recently State law has provided for the use of revolving funds, and now this Article has become a standard one in Shirley.

The result is essentially the same, but the balancing is demystified. The voter can clearly see what is happening, rather than worry whether a particular revenue stream is truly being used to fund the service for which it is received vs. some other unrelated function. The law requires that revolving funds generally be voted at an Annual Town Meeting and renewed annually. Each fund is limited to 1% of the Town's tax levy.

All aforementioned Revolving Funds are a renewal from last year with the exception of the Police Department Road Details which is new for FY05.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 18.      Economic Target Area Designation**

To see if the Town will instruct the Board of Selectmen to petition the General Court of the Commonwealth to enact Special Legislation in substantially the following form as it relates to Chapter 498 of the Acts of 1993, as amended by Chapter 109 of the Acts of 2000:

Section 18 of Chapter 498 of the Acts of 1993, as amended by Chapter 109 of the Acts of 2000, is hereby further amended by striking from the second sentence the words 'Devens and the town of Ayer' and inserting in place thereof the words "Devens, and the towns of Ayer and Shirley", and by striking the words "town of Ayer" from the third and fourth sentences and inserting in place thereof the words "towns of Ayer and Shirley".

Explanation:

Chapter 19 of the Acts of 1993 created the Massachusetts Economic Development Incentive Program (EDIP) which is designed to stimulate job creation in target areas, attract new businesses, encourage existing businesses to expand and increase the overall economic development readiness. In order to participate in the EDIP, communities must be designated as an Economic Target Area (ETA). An ETA designation does not commit the Town of Shirley to any obligations, however, it does provide the Town with another "tool" to attract new businesses and to stimulate job creation through possible state and municipal tax incentives.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 19:      Demolition Delay By-Law**

To see if the Town will amend the provisions of the Shirley Town By-Laws by adding thereto Article XXVII "DEMOLITION DELAY BY-LAW", as it appears in Appendix D of this Warrant, or take any other action relative thereto.

Explanation:

The intent and purpose of this by-law is to preserve and protect from demolition, whenever possible, historically significant buildings and structures; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; and thereby preserve the historic resources of the Town making the Town more desirable and attractive place in which to live, and so promote the general welfare.

**Recommendation:**     *The Finance Committee will make its recommendation for this Article at Town Meeting.*

**Article 20.     Zoning By-Law Amendment – Lot Area Computation**

To see if the Town will amend its Protective Zoning By-Law by deleting in its entirety in Section 3 the following:

3.2.3     Lot Area Computation

In computing the area of any lot in any district, no part of a street or public way and no part of any water body bordering the lot or river shall be included.

and replacing it with the following:

3.2.3     Lot Area Computation

In computing the area of any lot in any district, no part of a street or public way and no part of any water body bordering the lot or river shall be included.

At least sixty percent (60%) of the lot area required for minimum lot size zoning compliance or ten thousand (10,000) square feet, whichever is greater, shall be contiguous land exclusive of any wetland resources as defined in the Wetland Protection Act, Massachusetts General Law, Chapter 131, Section 40, and its corresponding regulation 310 CMR 10.00 as of the adoption date of this requirement.

Explanation:

The Wetlands Protection Act places strict limits on what property owners can do in wetlands. The current Lot Area Computation language would allow the creation of a lot with only just enough dry land to build a house and drive. The increasing market value of land, currently running about \$150,000 per buildable lot, encourages developers to “squeeze” more lots out of a piece of land, and some recently created lots are more than half wetland. The proposed new language seeks to insure that every new house lot created in Shirley contains within it enough dry land to provide not only for a place for a house but also room for a yard and other land to play in.

**Recommendation:**     *The Finance Committee will make its recommendation for this Article at Town Meeting.*

**Article 21:     Amendment - Non-Zoning Wetlands By-Law**

To see if the Town will amend ARTICLE XIX, NON-ZONING WETLANDS BY-LAW as shown in Appendix E of this Warrant, by deleting it in its entirety and inserting in its place a revised ARTICLE XIX, NON-ZONING WETLANDS BY-LAW as it appears in Appendix F of this Warrant, or take any other action relative thereto.

Explanation:

The purpose of this amendment to the non-zoning Wetland By-Law is to supplement the Commonwealth’s Wetlands Protection Act, to further protect the wetlands, related water resources, and adjoining land areas in the Town by regulating activities likely to have significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, and rare species habitat deemed important to the community. This Bylaw is intended to utilize the Home Rule

authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

#### **Article 22:      Acquisition of Land – Walker Road**

To see if the Town will authorize the Selectmen to acquire by gift, purchase, eminent domain, or otherwise, a certain parcel of land containing approximately 14,954 square feet, more or less, as shown on a plan entitled, “Plan of Land in Shirley, MA property of the Town of Shirley” dated March 24, 2004 by Hancock Survey Associates, Inc., and appropriate a some of money therefor, or take any other action relative thereto.

##### Explanation:

This article authorizes the Board of Selectmen to acquire a strip of land located north of the railroad tracks adjacent to the Town owned “Barkus property” located off Walker Road. When the Town acquired the Barkus property in February 2000, the information provided to the Town showed that this strip was included in the 36 acres. Further research by land surveyor indicated that this strip came out of a different chain of title than the rest of the Barkus property and may have been part of a parcel taken by the Town when Walker Road was laid out. This authorization will enable the Town to correct any defects in the title to this strip.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

#### **Article 23:      Establish a Tax Lien Program for Unpaid Sewer Charges**

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 83, Section 16A through 16F inclusively, which allows the Shirley Sewer Commission to establish real estate tax liens for any unpaid sewer user fees, or take any other action relative thereto.

##### Explanation:

The purpose of this Article is to permit the Sewer Commissions and the Tax Collector to establish real estate tax liens for any unpaid sewer user fees. The adoption of MGL Chapter 83 §16A through 16F is needed to ensure the financial stability of the Sewer Commissioner’s Annual Budget.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

#### **Article 24:      Borrow for Water Pollution Abatement Projects**

To see it the Town will borrow a sum of money, not to exceed \$400,000, for the purpose of financing the following water pollution abatement facilities projects: repair, replacement, and/or upgrade of septic systems, or the connection to the existing municipal sewer, pursuant to agreements with the Board of Health and/or the Town’s Sewer Commissioners and the residential property owners, including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws.

##### Explanation:

This Article authorizes the Selectmen to apply for, and borrow for, additional funds from the State Revolving Fund and the Department of Environmental Protection for a low-interest loan that will assist residents with Sewer Tie-in costs and the replacement and repair of Title V Systems.



**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

**Article 25.      Federal and State Grants**

To see if the Town will authorize the Selectmen to apply for Federal and State grants for which the Town is or may be eligible, and to accept and expend the funds received thereunder.

Explanation:

This article, a standard in past ATM Warrants, authorizes the Selectmen to apply for Federal and State grants for which the Town is or may be eligible, and to accept and expend said funds in accordance with the terms and conditions of the grants received.

**Recommendation:**      *The Finance Committee recommends favorable action under this Article.*

\* \* \* \*

And you will serve this Warrant by posting true and attested copies of same at the Town Offices in Shirley Village, at the Center Town Hall in Shirley Center, and a like copy at the United States Post Office in Shirley Village, Seven days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this Twenty-Fourth day of May, 2004

**BOARD OF SELECTMEN**

\_\_\_\_\_  
*Ellen M. Doiron*  
*Chairman*

\_\_\_\_\_  
*Leonardo M. Guercio*

\_\_\_\_\_  
*Charles R. Shultz, Jr*

A true copy.  
Attest:

\_\_\_\_\_  
*Sylvia L. Shipton*  
*Town Clerk*

\* \* \* \*

**RETURN OF SERVICE**

I certify that on the Twenty-fifth Day of May, 2004, I duly posted true and attested copies of the foregoing Warrant at the following places and times:

Town Offices \_\_\_\_\_M.

U. S. Post Office \_\_\_\_\_M.

Center Town Hall \_\_\_\_\_M.

\_\_\_\_\_  
*Constable*

# Appendix A

## Salary Classification Plan

Grade	As of July 1, 2003 Position Title	As of July 1, 2004 Position Title
14	Chief of Police	<b>Chief of Police [1]</b>
13	Public Works Director	Public Works Director
12		
11	Town Administrator Fire Chief Police Lieutenant	<b>Town Administrator [1]</b> Fire Chief Police Lieutenant
10		
9	Accountant/ Budget Officer Treasurer/Benefits Coordinator	Accountant/ Budget Officer Treasurer/Benefits Coordinator
8	Library Director	Library Director <b>Building Inspector (full-time) [2]</b>
7	<b>Firefighter (full-time) [3]</b>	
6	Assistant Assessor Conservation Administrator Police Dept. Executive Secretary Reserve Police Officer Selectmen's Administrative Assistant	Assistant Assessor Conservation Administrator Police Dept. Executive Secretary Reserve Police Officer Selectmen's Administrative Assistant
5	Assistant Accountant Assistant Treasurer Community Development Coordinator Deputy Collector Health / Inspections Office Manager / Assistant Public Works Assistant Planning Assistant Sewer Dept. Office Manager / Assistant	Assistant Accountant Assistant Treasurer Community Development Coordinator Deputy Collector Health / Inspections Office Manager / Assistant Public Works Assistant Planning Assistant Sewer Dept. Office Manager / Assistant
4	Children's Librarian Conservation Secretary <b>Dispatcher [3]</b> Finance Committee Administrative Secretary Selectmen's Secretary	Children's Librarian Conservation Secretary Finance Committee Administrative Secretary Selectmen's Secretary
3	Assistant Librarian	Assistant Librarian
2	Custodian Library Aide Police Matron	Custodian Library Aide Police Matron
1		

Notes:

- [1] Currently have Separate Contracts with the Board of Selectmen
- [2] New Position - Previously Unclassified Part-Time
- [3] Part of Collective Bargaining Agreement, No Longer Subject to Classification Schedule

# Appendix B

## Town of Shirley Wage Scale FY04

↓	GRADE	→ STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
1	hourly	9.31	9.52	9.73	9.95	10.17	10.40	10.63	10.87	11.11
	annual	19,439.28	19,877.76	20,316.24	20,775.60	21,234.96	21,715.20	22,195.44	22,696.56	23,197.68
2	hourly	10.24	10.47	10.71	10.95	11.20	11.45	11.71	11.97	12.24
	annual	21,381.12	21,861.36	22,362.48	22,863.60	23,385.60	23,907.60	24,450.48	24,993.36	25,557.12
3	hourly	11.26	11.51	11.77	12.03	12.30	12.58	12.86	13.15	13.45
	annual	23,510.88	24,032.88	24,575.76	25,118.64	25,682.40	26,267.04	26,851.68	27,457.20	28,083.60
4	hourly	12.39	12.67	12.96	13.25	13.55	13.85	14.16	14.48	14.81
	annual	25,870.32	26,454.96	27,060.48	27,666.00	28,292.40	28,918.80	29,566.08	30,234.24	30,923.28
5	hourly	13.63	13.94	14.25	14.57	14.90	15.24	15.58	15.93	16.29
	annual	28,459.44	29,106.72	29,754.00	30,422.16	31,111.20	31,821.12	32,531.04	33,261.84	34,013.52
6	hourly	14.99	15.33	15.67	16.02	16.38	16.75	17.13	17.52	17.91
	annual	31,299.12	32,009.04	32,718.96	33,449.76	34,201.44	34,974.00	35,767.44	36,581.76	37,396.08
7	hourly	16.49	16.86	17.24	17.63	18.03	18.44	18.85	19.27	19.70
	annual	34,431.12	35,203.68	35,997.12	36,811.44	37,646.64	38,502.72	39,358.80	40,235.76	41,133.60
8	hourly	18.14	18.55	18.97	19.40	19.84	20.29	20.75	21.22	21.70
	annual	37,876.32	38,732.40	39,609.36	40,507.20	41,425.92	42,365.52	43,326.00	44,307.36	45,309.60
9	hourly	19.95	20.40	20.86	21.33	21.81	22.30	22.80	23.31	23.83
	annual	41,655.60	42,595.20	43,555.68	44,537.04	45,539.28	46,562.40	47,606.40	48,671.28	49,757.04
10	hourly	21.95	22.44	22.94	23.46	23.99	24.53	25.08	25.64	26.22
	annual	45,831.60	46,854.72	47,898.72	48,984.48	50,091.12	51,218.64	52,367.04	53,536.32	54,747.36
11	hourly	24.15	24.69	25.25	25.82	26.40	26.99	27.60	28.22	28.85
	annual	50,425.20	51,552.72	52,722.00	53,912.16	55,123.20	56,355.12	57,628.80	58,923.36	60,238.80
12	hourly	26.57	27.17	27.78	28.41	29.05	29.70	30.37	31.05	31.75
	annual	55,478.16	56,730.96	58,004.64	59,320.08	60,656.40	62,013.60	63,412.56	64,832.40	66,294.00
13	hourly	29.23	29.89	30.56	31.25	31.95	32.67	33.41	34.16	34.93
	annual	61,032.24	62,410.32	63,809.28	65,250.00	66,711.60	68,214.96	69,760.08	71,326.08	72,933.84
14	hourly	32.15	32.87	33.61	34.37	35.14	35.93	36.74	37.57	38.42
	annual	67,129.20	68,632.56	70,177.68	71,764.56	73,372.32	75,021.84	76,713.12	78,446.16	80,220.96
15	hourly	35.37	36.17	36.98	37.81	38.66	39.53	40.42	41.33	42.26
	annual	73,852.56	75,522.96	77,214.24	78,947.28	80,722.08	82,538.64	84,396.96	86,297.04	88,238.88

# Appendix C

## Town of Shirley Proposed Wage Scale FY05

↓	GRADE	→	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
1	hourly	9.78	10.00	10.23	10.46	10.70	10.94	11.19	11.44	11.70	
	annual	20,420.64	20,880.00	21,360.24	21,840.48	22,341.60	22,842.72	23,364.72	23,886.72	24,429.60	
2	hourly	10.76	11.00	11.25	11.50	11.76	12.02	12.29	12.57	12.85	
	annual	22,466.88	22,968.00	23,490.00	24,012.00	24,554.88	25,097.76	25,661.52	26,246.16	26,830.80	
3	hourly	11.84	12.11	12.38	12.66	12.94	13.23	13.53	13.83	14.14	
	annual	24,721.92	25,285.68	25,849.44	26,434.08	27,018.72	27,624.24	28,250.64	28,877.04	29,524.32	
4	hourly	13.02	13.31	13.61	13.92	14.23	14.55	14.88	15.21	15.55	
	annual	27,185.76	27,791.28	28,417.68	29,064.96	29,712.24	30,380.40	31,069.44	31,758.48	32,468.40	
5	hourly	14.32	14.64	14.97	15.31	15.65	16.00	16.36	16.73	17.11	
	annual	29,900.16	30,568.32	31,257.36	31,967.28	32,677.20	33,408.00	34,159.68	34,932.24	35,725.68	
6	hourly	15.75	16.10	16.46	16.83	17.21	17.60	18.00	18.41	18.82	
	annual	32,886.00	33,616.80	34,368.48	35,141.04	35,934.48	36,748.80	37,584.00	38,440.08	39,296.16	
7	hourly	17.33	17.72	18.12	18.53	18.95	19.38	19.82	20.27	20.73	
	annual	36,185.04	36,999.36	37,834.56	38,690.64	39,567.60	40,465.44	41,384.16	42,323.76	43,284.24	
8	hourly	19.06	19.49	19.93	20.38	20.84	21.31	21.79	22.28	22.78	
	annual	39,797.28	40,695.12	41,613.84	42,553.44	43,513.92	44,495.28	45,497.52	46,520.64	47,564.64	
9	hourly	20.97	21.44	21.92	22.41	22.91	23.43	23.96	24.50	25.05	
	annual	43,785.36	44,766.72	45,768.96	46,792.08	47,836.08	48,921.84	50,028.48	51,156.00	52,304.40	
10	hourly	23.07	23.59	24.12	24.66	25.21	25.78	26.36	26.95	27.56	
	annual	48,170.16	49,255.92	50,362.56	51,490.08	52,638.48	53,828.64	55,039.68	56,271.60	57,545.28	
11	hourly	25.38	25.95	26.53	27.13	27.74	28.36	29.00	29.65	30.32	
	annual	52,993.44	54,183.60	55,394.64	56,647.44	57,921.12	59,215.68	60,552.00	61,909.20	63,308.16	
12	hourly	27.92	28.55	29.19	29.85	30.52	31.21	31.91	32.63	33.36	
	annual	58,296.96	59,612.40	60,948.72	62,326.80	63,725.76	65,166.48	66,628.08	68,131.44	69,655.68	
13	hourly	30.71	31.40	32.11	32.83	33.57	34.33	35.10	35.89	36.70	
	annual	64,122.48	65,563.20	67,045.68	68,549.04	70,094.16	71,681.04	73,288.80	74,938.32	76,629.60	
14	hourly	33.78	34.54	35.32	36.11	36.92	37.75	38.60	39.47	40.36	
	annual	70,532.64	72,119.52	73,748.16	75,397.68	77,088.96	78,822.00	80,596.80	82,413.36	84,271.68	
15	hourly	37.16	38.00	38.86	39.73	40.62	41.53	42.46	43.42	44.40	
	annual	77,590.08	79,344.00	81,139.68	82,956.24	84,814.56	86,714.64	88,656.48	90,660.96	92,707.20	

# Appendix D

## *Proposed*

### DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS and STRUCTURES **Demolition Delay Bylaw**

#### **Section 1. Intent and Purpose**

It is the intent and purpose of this bylaw to preserve and protect from demolition, whenever possible, historically significant buildings and structures; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; and thereby preserve the historic resources of the Town, make the Town a more desirable and attractive place in which to live, and so promote the general welfare.

#### **Section 2. Definitions**

For the purposes of this by-law the following words and phrases shall have the following meanings:

**“Building Inspector”**- The Town of Shirley Building Inspector

**“Business Day”**- A day which is not a legal municipal holiday, Saturday or Sunday.

**“Commission”** – The Shirley Historic District Commission, which has the powers and duties and acts as the Shirley Historical Commission. The Commission may designate one or more of its members to act in its behalf between the Commission’s regular monthly meetings.

**“Demolition”** – Any act of pulling down, destroying, removing, burning by arson, dismantling, re-locating or razing a building or structure or any substantial portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

**“Demolition Permit”** - The permit issued by the Building Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

**“Historically Significant Building or Structure”**

A. A building or structure that is listed on, is within and area listed on, or is within 200 feet of the boundary line of an area listed on the National or State Register of Historic Places, or, is the subject of a pending application for listing on said National or State Register.

B. It is:

1. Determined by a majority vote of the Historical Commission to be importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Shirley, The Commonwealth of Massachusetts, or the United States of America., or,

2. Determined by a majority vote of the Historical Commission to be historically or architecturally important by reason of period, style, method of construction, or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures

**“Preferably Preserved Significant Building or Structure”.**

Any historically significant building or structure which is determined, after a public hearing by the Historical Commission, to be worthy of preservation, in whole or in part.

**“Town”** - The Town of Shirley

### **Section 3. Regulated buildings and Structures**

The provisions of this bylaw shall apply only to a building or structure which, in whole or in part is fifty (50) years or more old as of the date of a demolition permit application. For purposes of this by-law, the age of a building or structure shall be determined from information contained in the records on file in the Building Inspector’s Office, Office of the Board of Assessors and/or the Commission. If the only information about the age of a building or structure contained in such records is the year of construction, such building or structure shall be presumed to have been constructed on December 31 of the year of construction. If a building or structure is of unknown age, it shall be assumed that the building or structure is over 50 years old for the purposes of this by-law.

### **Section 4. Procedure**

- a. No permit for the demolition of any building or structure shall be issued other than in conformity with the provisions of this bylaw; and in conformity with the provisions of other laws and by-laws applicable to the demolition of buildings and structures and the issuance of permits generally.
- b. Upon receipt of an application for a demolition permit the Building Inspector shall forward a copy of the permit application to the Historical Commission and the Town of Shirley Planning Board.
- c. Within ten (10) business days of the receipt by the Commission of an application for a demolition permit, the Commission shall determine whether the building or structure is a regulated building or structure. And, if the Commission determines that the building or structure is regulated by this bylaw, the Commission shall also determine within the

same (ten) 10 business days whether the building or structure may be Historically Significant

- d. If the Historical Commission determines that the building or structure is not regulated by this bylaw, or is not “Historically Significant” or is not “Preferably Preserved”, the demolition permit shall be approved by the Commission and notice of such approval shall be transmitted to the Building Inspector. Upon receipt of such notice the Building Inspector may, subject to the requirements of the State Building Code and other applicable laws, issue the demolition permit. If the Building Inspector does not receive the opinion of the Commission in regard to these determinations within ten (10) business days of the receipt of the application by the Commission, then subject to section seven of this bylaw, the Building Inspector may grant the applied for demolition permit.
- e. If the Historical Commission determines that the building or structure may be Historically Significant, the Commission shall notify the Building Inspector and the applicant in writing, and shall review the application for demolition at a public hearing to be held within twenty (20) business days of the determination that the subject building or structure may be an Historically Significant Building or Structure.
- f. The Commission shall have published in a newspaper of local circulation notice of the date, time and place of such public hearing. Such notice shall specify the address of the subject building, and shall be published in said newspaper once during each of the two weeks preceding the date of the public hearing.

Not less than five (5) business days before the public hearing the applicant for the demolition permit shall submit to the Commission three (3) copies of a Demolition Plan which shall include the following:

- (i) A map drawn to scale showing the location of the building or structured to be demolished with reference to lot lines and to neighboring buildings and structures;
  - (ii) Photographs of all facade elevations;
  - (iii) A description of the building or structure, or part thereof, to be demolished;
  - (iv) The reasons for the proposed demolition and data supporting said reasons, including, where applicable, data sufficient to establish any economic justification for demolition; and
  - (v) A brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.
- g. After the said public hearing, the Commission shall, within five (5) business days, determine whether the subject building or structure is:
    - ” Historically Significant” and a “Preferably Preserved” Building or Structure, and thereafter notify in writing the applicant and the Building Inspector, stating the reasons for such determination.
  - h. If the determination is that the subject building or structure is both Historically Significant and Preferably Preserved, the Building Inspector shall not issue a



demolition permit for a period of six (6) months from the date of such determination, unless the Commission informs the Building Inspector in writing prior to the expiration of the six month period that:

- (i) The Commission is satisfied that the applicant has made a bona fide, reasonable, but unsuccessful effort to locate a purchaser for the building who is willing to preserve, rehabilitate or restore the building or structure; or
  - (ii) The applicant has agreed to accept a demolition permit according to certain conditions approved by the Commission.
- i. Upon determination by the Commission that a building is a Preferably Preserved Significant Building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, the loss of such building through fire or other cause, shall be considered demolition.

## **Section 5. Notice**

Notice of a hearing or the determination of status provided for in this by-law shall be sent by the Commission. Notice will be sent to:

- (i) the owner of record
- (ii) the applicant (if different from the owner )
- (iii) the owners of all adjoining property as they appear on the most recent certified abutters list of the board of assessors,
- (iv) the Town of Shirley Planning Board
- (v) any person filing written request for notice of public hearings, such request to be renewed yearly in December, and
- (vi) other such persons as the Commission shall deem entitled to notice.

Notice to the owner and applicant shall be by certified mail.

The Commission may also require that the applicant maintain on the building or structure which is the subject of the demolition permit application, a notice, in a form designated by the Commission and visible from the nearest public way, of any hearing on the subject matter or such application. The applicant shall comply with such requirement.

## **Section 6. Emergency Demolition**

Nothing in this by-law shall prevent the emergency demolition of any building or structure that demonstrates a clear and present danger to public safety. And, nothing in this by-law shall be construed to derogate in any way from the authority of the Building Inspector derived from Chapter 143 of the General Laws. However, before acting pursuant to said Chapter 143, the Building Inspector shall consult with the Historical Commission prior to taking any action.

## **Section 7. Historic Districts Act**

Nothing in this by-law shall be deemed to conflict with the provisions of the Historic Districts Act as described in the Massachusetts General Laws, chapter 40C. This includes requirements of notice, hearing and issuance by the Commission of a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship granted prior to the demolition of any building or structure in a historic district. Any temporary building or structure erected or maintained in a historic district pursuant to a certificate issued by the Commission may be demolished in a manner consistent with the terms of such certificate.

## **Section 8. Noncompliance**

- a) The Building Inspector is specifically authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.
- b) In addition, any owner of a building or structure determined by the Commission to be a “Historically Significant” or “Preferably Preserved”, who has caused said building or structure to be demolished without first obtaining a demolition permit and, without fully complying with the provisions of this bylaw,
  - 1. shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed, or unless otherwise agreed to by the Commission.
  - 2. shall not be issued a building permit by the Building Inspector for any parcel on which that building or structure has been demolished for a period of two (2) years after the date of demolition. In addition, the Building Inspector, shall not, for a period of two (2) years after the date of demolition, issue a building permit for erection of a building and/or structure, paving of driveways or for parking on any such parcel.

## **Section 9. Severability**

If any section, paragraph or part of this by-law is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

## Appendix E

### ARTICLE XIX NON-ZONING WETLANDS BYLAW

#### Shirley Nonzoning Wetlands Bylaw

##### 1. Purpose and Jurisdiction

- 1.1. The purpose of this Bylaw is to protect the wetland and water resources of the Town of Shirley by regulating activity in or near wetland resource areas. Conditions shall be imposed by the Shirley Conservation Commission (the Commission) after a public hearing at which the Commission determines that the area on which the proposed work is to be done is significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or the protection of fisheries (collectively, the Interests Protected by this Bylaw ) .
- 1.2. Except as permitted by the Shirley Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, or alter any bank, fresh water wetland, marsh, meadow, bog, or swamp bordering any creek, river, stream, pond, or lake, or land under said waters or any land subject to flooding (collectively, the "Areas Subject to Protection").
- 1.3. Any activity proposed or undertaken within the "Buffer Zone" as defined in Massachusetts General Laws Ch. 131 Sec. 40 and the Wetlands Protection Act Regulations 310 CMR 10.00 or Areas Subject to Protection which, in the judgment of the Commission, will remove, fill, dredge or alter an Area Subject to Protection under this Bylaw is subject to regulation under the Bylaw and requires the filing of a Request for Determination (Request) or Notice of Intent (Notice).
- 1.4. Any activity proposed or undertaken outside the Areas Subject to Protection and outside the Buffer Zone is not subject to regulation under this Bylaw and does not require the filing of a Notice of Intent unless and until that activity actually alters an Area Subject to Protection under this Bylaw. In the event that such activity has in fact altered an Area Subject to Protection under this Bylaw, the Commission shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the interests protected under this Bylaw.
- 1.5. It is not the purpose or intention of this Bylaw to exceed the requirements of Mass. Gen. Laws Ch. 131 Sec. 40 as defined on January 1, 1994, or the Wetlands Protection Act Regulations 310 CMR 10.00 as defined on January 1, 1994, except in the following Bylaw Sections: 2 and 10. (deleted)

## 2. Applications and Fees

2.1. Any person who proposes to do work which will remove, fill, dredge or alter any Area Subject to- Protection under this Bylaw shall submit a Notice of Intent to the Commission which bears the signature of the applicant for work on the subject property. Application under this Bylaw may be identical in form to the Notice of Intent filed pursuant to Mass. Gen. Laws Ch. 131, Sec. 40, and shall be sent by certified mail or hand delivered to the Shirley Conservation Commission. Said application shall be accompanied by a filing fee specified within the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, Sec. 40, as it may be amended, and is payable to the Town of Shirley. The application must be filed concurrently with applications for all other variances and approvals required by the Zoning Bylaw, the Subdivision Control Law, local Board of Health Regulations or any other bylaw or regulations relevant to the work. The written application shall include such plans as may be necessary to describe such proposed activity and its effect on the environment. No filing fee is required when a department or officer of the Town of Shirley files an application for the Town.

2.2. Any person who desires a determination as to whether this Bylaw applies to land or work which may affect an Area Subject to Protection may submit a Request for Determination of Applicability to the Commission. Requests for Determination shall be accompanied by a filing fee specified within the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, Mass. Gen. Laws Ch. 131, Sec. 40, or as it may be amended. The Request for Determination application may be identical in form to a Request for Determination filed pursuant to Mass. Gen. Laws Ch. 131, Sec. 40. If the person making the Request for Determination is not the owner, the applicant shall send a copy of the Request for Determination by certified mail (return receipt requested) to the owner.

2.3. Deleted June 10, 1996

2.4. Each Notice of Intent or Request for Determination filed shall be assigned a unique identification number (hereinafter, File Number ) to facilitate record keeping by the Commission. Said File Number may be identical to that assigned by the Massachusetts Department of Environmental Protection.

2.5. Any person filing a Notice of Intent or a Request for Determination with the Commission shall give at the same time written notice thereof, by certified mail (return receipt requested) or hand delivery to the owner and all abutters at their mailing addresses shown on the most recent town assessor's records.

2.6. In addition to any filing fee imposed by this Bylaw, the applicant shall reimburse the reasonable costs and expenses borne by the Commission for

specific expert engineering and consulting services deemed necessary by the Commission, provided that the scope of the application meets the criteria set forth in Section 2.7 of this Bylaw. The amount of the reimbursement fee shall be based on the standard set forth in Section 2.10 of this Bylaw.

- 2.7. The Commission is authorized to charge this site and/or design review reimbursement fee when the Commission determines that a Notice of Intent, Request for Determination, or Certificate of Compliance involves any of the following: 500 square feet or greater of alteration of Freshwater Wetlands; 50 linear feet or greater of alteration of a Bank, Stream or River; 500 square feet or greater of alteration of the Buffer Zone; alteration of greater than 500 square feet of Land Under Bodies of Water; discharge of any pollutants into surface or ground waters of any resource area under this Bylaw; or construction of a detention or retention basin or other drainage device.
- 2.8. Said specific expert engineering and consultant services, may include but are not limited to consultants overhead and office expenses required to process said Notices, Requests and Certificates; copying plans and technical submittals for further review; subcontracting for professional services; mileage; wetland survey and delineation; hydrogeologic and drainage analysis; purchase or borrowing of materials; wildlife habitat, rare species, shellfish and fisheries evaluation; and environmental or land use legal consultation.
- 2.9. Said reimbursement fee shall be paid by the applicant within thirty (30) calendar days of receipt of a written request from the Commission. Said payment may be required by the Commission at any point in the reviewing or - deliberating processes but not before the Commission has provided the applicant with a written estimate of the cost of the services to be provided. The fee shall be paid to the Town and deposited into a revolving fund established under Chapter 44, Section 53E1/2 of the General Laws, and shall be expended by the Commission for services approved by the Commission at a public meeting. The principal shall be expended by the Treasurer at the direction of the Commission for site and/or design review costs and expenses.
- 2.10. In setting the amount of said reimbursement fee, the Commission shall utilize the following standard: the fee shall equal the amount of the actual bills for all expenses incurred for the File Number that are submitted by an expert engineer or consultant.

### 3. Hearings and Meetings

- 3.1. For a Request for Determination, the Commission shall hold a public meeting within twenty-one (21) calendar days of its receipt. Notice of the time and place of the meeting shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to the meeting, by publication in a newspaper of general circulation (in Shirley) and by mailing a notice to the

applicant and to the owner by certified mail (return receipt requested).

- 3.2. For a Notice of Intent, the Commission shall hold a public hearing within twenty-one (21) calendar days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to the hearing, by publication in a newspaper of general circulation (in Shirley) and by mailing a notice to the [applicant and to the owner by certified mail (return receipt requested)].

Amended 6/11/96

- 3.3. A Public Hearing and Public Meetings may be continued as follows:

- 3.3.1. without the consent of the applicant to a date, announced at the hearing, within twenty-one (21) calendar days of receipt of the Notice of Intent;
- 3.3.2. with the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing; or
- 3.3.3. with the consent of the applicant for a period not to exceed twenty-one (21) calendar days after the submission of a specified piece of information or the occurrence of a specified action. The continued hearing shall be publicized in accordance with Section 3.2 of this Bylaw.

#### 4. Permits and Conditions

- 4.1. For Requests for Determination, the Commission shall issue a Determination of Applicability within twenty-one (21) calendar days of receipt of said application. If, after the public meeting, the Commission determines that the area is significant to the Interests Protected by this Bylaw, the Commission shall issue a positive determination and request that the applicant file a Notice of Intent. If the Commission determines that the area which is the subject of the application is NOT significant to the Interests Protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a negative determination. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person by certified mail (return receipt requested).
- 4.2. For Notices of Intent, the Commission shall issue an Order of Conditions within twenty-one (21) calendar days of the close of the Public Hearing for said application. The Commission shall impose such conditions as will contribute to the protection of the Interests Protected by this Bylaw and all work shall be done in accordance with those conditions. [The Order shall prohibit any work or any portion thereof that cannot be conditioned to protect said interests. If the Commission finds that the information submitted is not

sufficient to describe the site, the work or the effects of the work on the Interests Protected by this Bylaw, it may issue an Order prohibiting the work. The Order shall specify the information which is lacking and why it is necessary. [If the Commission makes a determination that the proposed activity does not require the imposition of such conditions,] the applicant shall be notified of the Commission's decision within twenty-one (21) days after said hearing. Such Order or Notification that the proposed activity does not require conditions shall be signed by the majority of the Conservation Commission and a copy thereof shall be sent forthwith to the applicant by certified mail (return receipt requested). An Order of Conditions shall be valid for three (3) years unless specifically stated otherwise. The Commission may renew an Order of Conditions for an additional period not to exceed three (3) years. If renewal of an Order of Conditions is requested, it must be received in writing by the Commission at least thirty (30) calendar days prior to the expiration date of the Order.

- 4.3. No work proposed in any application shall be undertaken until the Order of Conditions, with respect to such work issued by the Commission has been recorded in the Registry of Deeds or, if the land affected thereby be registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the order of Conditions certifies in writing to the Commission that the Order has been so recorded.
- 4.4. Within twenty-one (21) days of the receipt of a written request, by the applicant or the owner of the property, for a Certificate of Compliance with an Order of Conditions, the Commission shall grant such request if the activity, or portions thereof, complies with the Order of Conditions. If the Certificate of Compliance is denied, the commission shall issue a letter noting the reasons for denial. The certificate of Compliance shall state that the activity, or portions thereof, has been completed in accordance with such Order.
- 4.5. No conditions shall be imposed, nor shall any Determination be rendered by the Commission, in reference to this Bylaw, unless the Commission meets with a quorum present.

## 5. Exceptions

- 5.1. The provisions of this Bylaw shall not apply to work performed in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services.
- 5.2. The Notice of intent required in this Bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the Commonwealth which are to be performed or which are ordered to be performed by an agency of the Commonwealth or a political subdivision thereof. An emergency project shall mean any project certified to be an

emergency by the Commission. If the Commission fails to act favorably within twenty-four (24) hours of receipt of a request for certification of an emergency project, said project may be so certified by the Selectmen. In no case shall any removal, filling, dredging or alteration authorized by such certification extend beyond the time necessary to abate the emergency.

5.3. The provisions of this Bylaw shall not apply to any mosquito control work done under the provisions of Clause (36) of Sec. 5 of Ch. 40, of Ch. 252 or any special act; to the maintenance of drainage and flooding systems of cranberry bogs, to work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use.

5.4. The provisions of this Bylaw shall not apply to maintenance dredging projects for which a license has been previously issued within ten (10) years by the Division of waterways of the Department of Environmental Protection. The procedures set forth in Mass. Gen. Laws Ch. 131, Sec. 40 for licensed maintenance dredging projects shall be utilized in administering this Bylaw.

## 6. Regulations

6.1. After due notice and public hearing, the Commission may promulgate rules and regulations, including a filing fee schedule, to effectuate the purposes of this Bylaw. Notice of the time and place of the hearing shall be given by the Conservation Commission not less than 14 days prior to the hearing by publishing in a newspaper of general circulation (in Shirley) and by posting at town hall. Failure by the, Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

## 7. General Provisions, Presumptions and Performance Standards

7.1. The provisions set forth in 310 CMR 10.03(1) through 10.03(6) as defined on January 1, 1994, and 310 CMR 10.51 through 10.60 as defined on January 1, 1994, shall be used for the interpretation and implementation of this Bylaw except in the event of a conflict with other provisions of this Bylaw, in which case the other provisions of this Bylaw shall take precedence.

## 8. Severability

8.1. The invalidity of any provision or feature of this Bylaw shall not affect the validity of any other provision or feature not manifestly inseparable therefrom.

## 9. Appeals



- 9.1. During an appeal of a decision of the Commission, the findings of a concurrent Massachusetts Department of Environmental Protection review under Mass. Gen. Laws Ch. 131, Sec. 40, shall be presumed correct except in those areas in which the wetlands protection requirements of this Bylaw specifically exceeds Mass. Gen. Laws Ch. 131, Sec. 40.

## 10. Enforcement

- 10.1. The filing of a Notice or Request shall constitute the consent of the owner and the grant of authority for the Commission, its agents, officers, and employees to enter upon privately owned land for the purpose of performing their duties under this Bylaw, and to make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
- 10.2. The Commission shall have the authority and duty to enforce this Bylaw, its regulations, and Order of Conditions issued hereunder by Enforcement orders and civil and criminal court actions.
- 10.3. When the Commission determines that violation of this Bylaw has occurred, it may request the Board of Selectmen and the Town Counsel to take legal action for enforcement under civil law. In addition, the Commission may request the Chief of Police or other authorities to take legal action for enforcement under criminal law.
- 10.4. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- 10.5. Any person who violates any provision of this Bylaw, may be punished by a fine of not more than three hundred dollars (\$300.00) per offense. Each day or portion thereof during which a violation continues shall constitute a Separate offense, and each provision of the Bylaw, regulations, or Order of Conditions violated shall constitute a separate offense.
- 10.6. In the alternative to criminal prosecution, the Com Commission may elect to utilize the non-criminal disposition procedure set forth in Mass. Gen. Laws Ch. 40, Sec. 21D, in which case the penalty shall be as follows:
- |  |          |
|--|----------|
| 10.6.1. First offense:                 | \$ 25.00 |
| 10.6.2. Second offense:                | 100.00   |
| 10.6.3. Third and subsequent offenses: | 300.00   |
- 10.7. No person shall remove, fill, dredge or alter any Area Subject to Protection under this Bylaw without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an Enforcement Order issued pursuant to this Bylaw. Each day such

violation continues constitutes a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the Commission, shall not be subject to additional penalties unless said person thereafter fails to comply with an Enforcement Order or Order of Conditions.

- 10.8. Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any Order issued under this Bylaw shall forthwith comply with any such Order or restore such real estate to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person.

Approved June 5, 1995; Amended September 9, 1996

## Appendix F

### *Proposed*

## ARTICLE XIX NON-ZONING WETLANDS BYLAW

1. **Purpose and Application:** The purpose of this Bylaw is to supplement the Commonwealth of Massachusetts Wetlands Protection Act, to further protect the wetlands, related water resources, and adjoining land areas in the Town of Shirley by regulating activities likely to have significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, and rare species habitat deemed important to the community. This Bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and Regulations (310 CMR 10.00) thereunder.

The definitions and forms, as well as the plan, notice, and hearing requirements utilized under the Wetlands Protection Act shall continue to be applicable, however, additional application forms may be necessary. The Shirley Conservation Commission is hereby designated as the enforcing authority for all matters within the jurisdiction of this Bylaw.

2. **Jurisdiction and Resource Protection Setback:** Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall commence to remove, fill, dredge, or discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; flats; wet meadows; bogs; swamps; vernal pools; banks; lakes; ponds of any size; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water ; and the one hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas. Said resource areas shall be protected whether or not they border surface waters. In addition to the requirements of the Wetlands Protection Act, there shall be a 25-foot-wide undisturbed, vegetated strip of naturally occurring plant species maintained between certified vernal pools (certified by Massachusetts Division of Fisheries and Wildlife) or wetland resource areas (310 CMR 10.02(1), excluding land subject to flooding and riverfront area) and activities, as defined in the Wetlands Protection Act Regulations. In addition, no structures shall be permitted within 40 feet of any wetland in order to provide for the aforementioned 25-foot buffer and safe and adequate access around said structures. The purpose of the 25-foot undisturbed strip is to filter out pollutants and sediment before they reach waterways, to help with floodwater absorption, and to support wildlife habitat. This additional requirement shall apply to all activities subject to the Wetlands Protection Act, except the following:
  - a. Activities with current Board of Health permits, non-expired Orders of Conditions, or non-expired Determinations of Applicability as of June 14, 2004, or activities for which complete Notices of Intent or Requests for Determination have been submitted, but not acted upon, prior to June 14, 2004.
  - b. "Limited projects" as defined by the Wetlands Protection Act Regulations General Provisions 310 CMR 10.00. These projects, more particularly described in 310 CMR 10.53(3), include but are not

limited to public utilities, public roadways, agricultural projects, water-dependent uses, and access driveways and roadways.

- c. "Exempt Activities" as defined by the Wetlands Protection Act Regulations 310 CMR 10.58(6). These include, but are not limited to, the maintenance of existing landscaping, such as lawn mowing.
  - d. Emergency projects, as defined in 310 CMR 10.06.
  - e. Repairs to or replacement of an existing sewage disposal system, including required grading allowed under 310 CMR 10.03(3).
  - f. Activities determined by the Conservation Commission to have no adverse effect on resource area values. The burden of proof for such a finding is on the applicant.
3. **Filing Fees:** After due notice and public hearing, the Commission may promulgate rules and regulations, including a filing fee schedule, to effectuate the purposes of this Bylaw. Notice of the time and place of the hearing shall be given by the Conservation Commission not less than fourteen (14) days prior to the hearing by publishing in a newspaper of general circulation (in Shirley) and by posting at the Town Offices. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.
4. **Third Party Review:** In addition to any filing fee imposed by this Bylaw, the applicant shall reimburse the reasonable costs and expenses borne by the Commission for specific expert engineering and consulting services deemed necessary by the Commission, provided that the scope of the application meets the criteria set forth below. The amount of the reimbursement fee shall be based on the standard set forth below.

The Commission is authorized to charge this site and/or design review reimbursement fee when the Commission determines that a Notice of Intent, Request for Determination, or Certificate of Compliance involves any of the following: 500 square feet or greater of alteration of Freshwater Wetlands; 50 linear feet or greater of alteration of a Bank, Stream, or River; 500 square feet of Land Under Bodies of Water; discharge of any pollutants into surface or ground waters of any resource area under this Bylaw; or construction of a detention or retention basin or other drainage device.

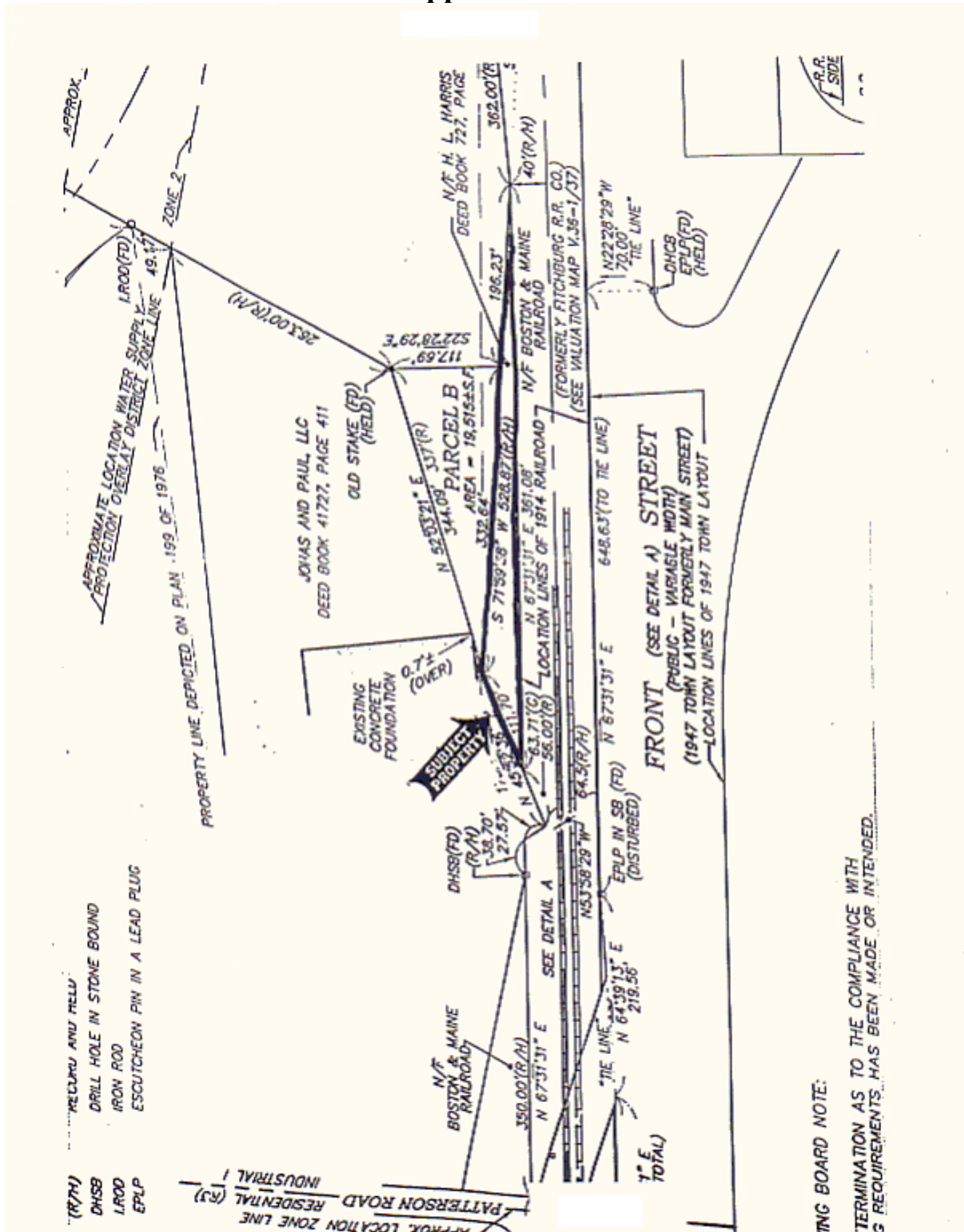
Said specific expert engineering and consultant services may include but are not limited to consultants' overhead and office expenses required to process said Notices, Requests, and Certificates; copying plans and technical submittals for further review; subcontracting for professional services; mileage; wetland survey and delineation; hydrogeologic and drainage analysis; purchase or borrowing of materials; wildlife habitat, rare species, shellfish and fisheries evaluation; and environmental or land use legal consultation.

Said reimbursement fee shall be paid by the applicant within thirty (30) calendar days of receipt of a written request from the Commission. Said payment may be required by the Commission at any point in the reviewing or deliberating processes but not before the Commission has provided the applicant with a written estimate of the cost of the services to be provided. The fee shall be paid to the Town and deposited into a special account established under Chapter 44, Section 53G of the General Laws and shall be expended by the Commission for services approved by the Commission at a public meeting.

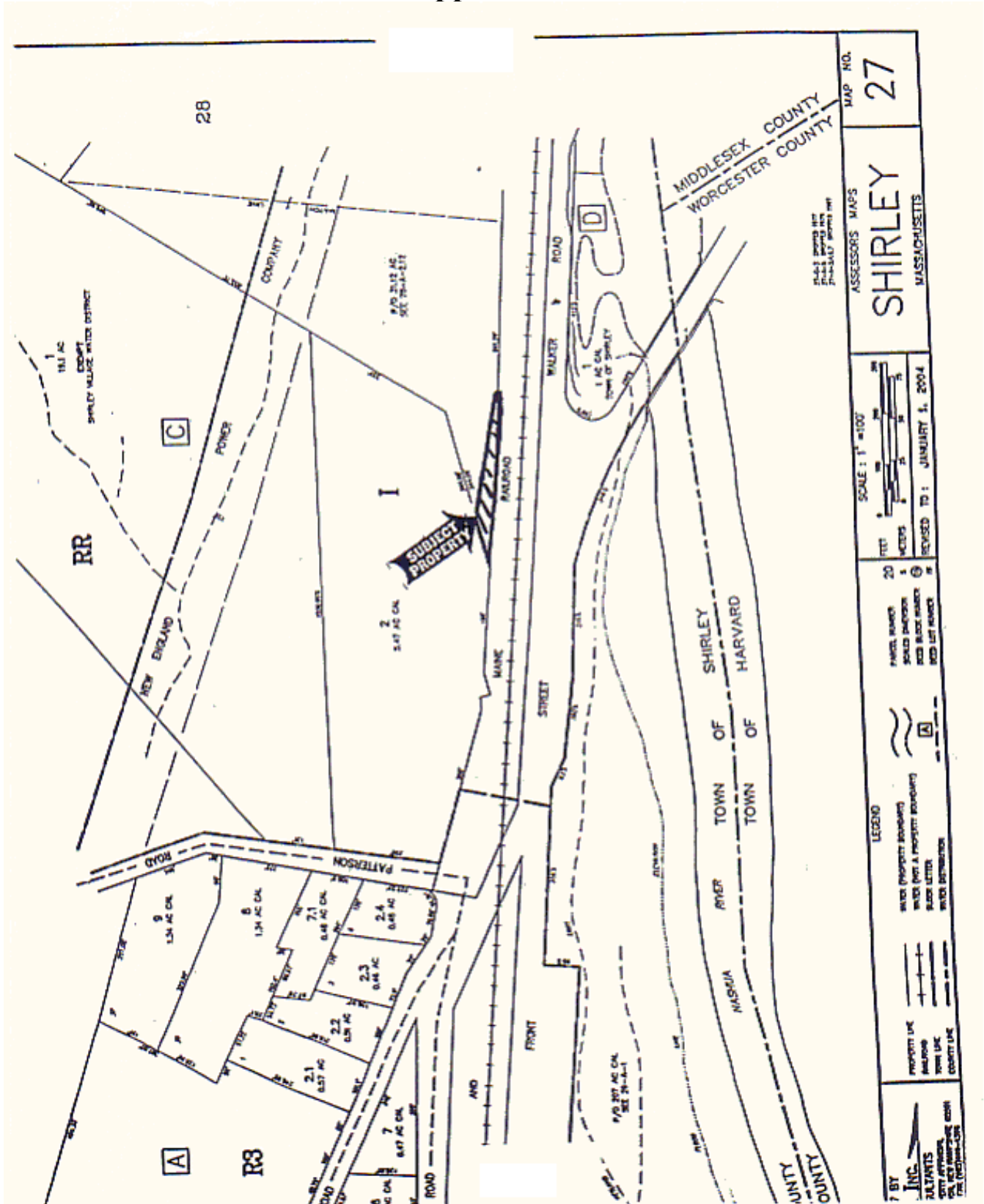
In setting the amount of said reimbursement fee, the Commission shall utilize the following standard: the fee shall equal the amount of the actual bills for all expenses incurred for the File Number that are submitted by an expert engineer or consultant.

5. **Appeals:** In the event that any person has been aggrieved by a decision of the Shirley Conservation Commission under this Bylaw, or by its failure to act thereunder, such person may appeal under M.G.L. Chapter 249, Section 4.
6. **Severability:** The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination that previously has been issued.
7. **Relationship to the Wetlands Protection Act:** This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and Regulations (310 CMR 10.00) thereunder. Unless otherwise stated in this Bylaw, the areas of jurisdiction, definitions, provisions, procedures, and performance standards of the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and Regulations (310 CMR 10.00), as in effect on June 14, 2004, shall continue to apply.

# Appendix G



# Appendix H





Massachusetts General Law  
Chapter 83, Sections 16A through 16F

**§ 16A. Tax Liens for Unpaid Annual Sewer Charges.**

If the rates and charges due to a city, town, municipality, or sewer district, which accepts this section and sections sixteen B to sixteen F, inclusive, and by its clerk, files a certificate of such acceptance in the proper registry of deeds, for supplying or providing for a sewer system or rendering service or furnishing materials in connection therewith to or for any real estate at the request of the owner or tenant are not paid on or before their due date as established by local regulations, ordinances or by-laws, which due date shall be so established as to require payments at least as often as annually, such rates and charges, together with interest thereon and costs relative thereto, shall be a lien upon such real estate as provided in section sixteen B. The register of deeds shall record such certificate of acceptance in a book to be kept for the purpose, which shall be kept in an accessible location in the registry.

Sections sixteen B to sixteen F, inclusive, shall also apply to a sewer district which has accepted sections sixteen A to sixteen F, inclusive, and whose clerk has so filed the certificate of acceptance. Wherever in said sections the words "board or officer in charge of the sewer department" or their equivalent appear, they shall also mean and include the officers exercising similar duties in any city, town or district. A fire or water district authorized to provide a sewer system shall, for the purposes of sections sixteen A to sixteen F, inclusive, be deemed to be a sewer district.

**§ 16B. Tax Liens; Effective Dates; Termination Dates; Recovery of Rates and Charges.**

Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section sixteen C, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section sixteen C for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

Notwithstanding such lien any such overdue rate or charge may be collected through any legal means, including the shutting off of a sewer connection, which may be deemed advisable; provided, that after the termination of such a lien, no city, town or sewer district shall attempt to enforce, by shutting off the sewer connection, collection of such rate or charge from any person, not liable therefor, who has succeeded to the title or interest of the person incurring such rate or charge. All such rates and charges excluded by court decree under section seventy-six B of chapter sixty shall, to the extent that they were properly chargeable to the person owning, or to the tenant occupying, the premises for which such rates and charges were incurred, be recoverable from such person or tenant, as the case may be, in an action of contract or otherwise. If at the time of the entry of such decree such person or tenant is still the owner or tenant of the premises, whether through redemption or otherwise, such rates and charges to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection and enforcement of sewer connection rates and charges.



### **§ 16C. Adding Unpaid Charges to Tax on Property.**

If a rate or charge for which a lien is in effect under section sixteen B has not been added to or committed as a tax and remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed by them under section fifty-three of chapter fifty-nine, the board or officer in charge of the sewer department, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such rate or charge to the assessors, who shall forthwith add such rate or charge to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as a part of such tax. If the property to which such rate or charge relates is tax exempt, such rate or charge shall be committed as the tax.

### **§ 16D. Interest on Taxes.**

Except as otherwise provided, the provisions of chapters fifty-nine and sixty shall apply, so far as pertinent, to all rates and charges certified to the assessors under section sixteen C. Without limiting the generality of the foregoing, upon commitment as a tax or part of a tax under said section sixteen C, all such rates and charges shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such rates and charges as in the case of annual taxes upon real estate, and the provisions of law relative to the

### **§ 16E. Abatement of Taxes.**

An owner of real estate aggrieved by a charge imposed thereon under sections sixteen A to sixteen F, inclusive, in addition to such remedy as he may have under section ten of chapter one hundred and sixty-five, may apply for an abatement thereof by filing a petition with the board or officer having control of the sewer department within the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, and if such board or officer finds that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors of a city or town to abate a tax.

### **§ 16F. Recovery by Landlord Against Tenant for Charges.**

An owner of real estate who, in order to prevent the imposition of a lien thereon or to discharge the same, has paid charges for sewer connections furnished to a tenant or other person who was bound to pay the same, may recover from such tenant or other person in an action of contract the amount of the charges so paid with all incidental costs and expenses.